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STANFORD UNIVERSITY
AUG 1974
GOV'T. DOCUMENT DEPARTMENT

NON - CIRCULATING

THE

PARLIAMENTARY

REGISTER;

OR,

AN IMPARTIAL

REPORT OF THE DEBATES

THAT HAVE OCCURRED

IN THE TWO HOUSES

OF

PARLIAMENT,

IN THE COURSE OF

The Fourth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

VOL. II.

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THE

PARLIAMENTARY REGISTER.

DURING THE FOURTH SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS.

FRIDAY, MARCH 16.

FOREIGN TROOPS.

Lord King rose, in pursuance of his lordship's notice the previous night, to move for the production of various papers connected with the important subject of foreign troops now in this country, or in British pay. This subject was one which his lordship considered to be of great constitutional importance. It had always been so considered by the people of this country, though very recently too little notice had been taken of it. If, however, the same views of the constitution existed, it must still be viewed in a serious light by every thinking person. Within a few years past the number of such troops had much increased; and it appeared by the army papers laid before the house, that the expense of them amounted to a million sterling, a sum surely sufficient to require some consideration. His lordship meant to say nothing by way of reflection on the conduct and character of these foreign troops; but yet, however well they might have behaved, he thought that nobody would attempt to say they were equal to our own native British soldiers. Yet it could not escape the recollection of noble lords, that these persons were, almost all of them, not only foreigners, but the natural born subjects of countries now under the dominion of our enemy. He could not think that a military force of such a composition, with the temptations that might naturally be thrown in their way, were fit to be intrusted with the defence of this country, or of any of our most important military stations at home or abroad. He should refrain at present from pushing his observations farther on that particular point. He could not better shew the opi-

nions held in former periods in this country, on this unconstitutional subject, than by reminding their lordships of what they would all recollect to have been the language of a speaker of the house of commons, in addressing the throne on the introduction and keeping up of foreign troops in England. His lordship then alluded to the well-known case of the Dutch Guards, in the reign of William III. and other cases of later occurrence. The foreign soldiers who had been within some years past brought into this kingdom, were understood, at first, to consist of emigrants and others, who were only stationed here, as on their passage, or for other immediately pressing reasons, but, by no means, as a species of permanent establishment incorporated into, and making a part of the regular military forces of Great Britain. Their number had, notwithstanding, been very greatly augmented, from Hanover, and from other parts of Germany; and certainly called for some notice and examination on the part of their lordships. He also had found that they possessed certain advantages not enjoyed by the British soldier, such as a limitation of their services to particular parts of the world, the true state of which it was one object of his motion to ascertain. The footing on which they were placed with respect to pay was another object, as he should desire to know why they should receive much superior pay than they had been used to, and why they were placed on a footing with our military establishment (the most costly in Europe) if they were bound to perform less service than our own army. His lordship concluded by moving for several papers, containing accounts of the number of foreign troops in British pay, of the number of them employed in this country, of the nature and of the extent of the services for which they were engaged, of the particulars of their pay and establishment, &c. &c.

The Earl of Liverpool rose and said, that he should not trouble the house with any remarks on what had fallen from the noble lord, as he had no sort of objection to the production of any of the papers required by the noble lord's motions. The production of the papers were then agreed to *nem. con.*

The Earl of Darnley said, that the acquiescence of the noble earl in the noble baron's motion would answer one object of the motion he had previously submitted, but which had not been agreed to, as he should now be able

to learn what number of foreign soldiers we had in this country, and by that means we might ascertain what number of our own native infantry force we possessed at home; information he was desirous of obtaining, at a time when it was said that government was about to send nearly all that kind of force out of the country; but which the noble earl had declined to give, as he understood, because the number of them was so small, that to state it would be communicating information to the enemy.

The Earl of Liverpool rose to correct the misconception of the noble earl. Though he might state that such documents as the noble earl called for were calculated to give information to the enemy, yet he must deny the inference that his reason for withholding such documents arose from the force of British infantry being too small, in the circumstances of the country, to be retained for its defence.

COMMUNICATION WITH FRANCE.

Lord Holland said, that he rose to give notice of a motion on a subject of some importance. He hoped it would not appear unfair to give the notice in the absence of a noble lord, (we suppose Lord Mulgrave) who was particularly concerned in it. The noble lord would, no doubt, hear of it in that house. He could not tell how his majesty's ministers at present stood towards each other, and whether that noble lord might or might not be in communication with noble lords then present; or whether any particular concealments existed among them towards each other. The object of the motion of which he should now give notice for Thursday next, was to learn, what were the communications said to have been lately made between this country and France, relative to the exchange of prisoners, &c. Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 16.

Sir Charles Price brought up the report of the committee on the removal of Smithfield market, and leave was given to bring in a bill, which was afterwards thrown out.

ORDNANCE ACCOUNTS.

Mr Parnell rose in consequence of a notice which he had lately given. He should, however, make no apo-

logy for what he conceived almost the principal duty of a representative, and that was to guard against the misapplication of the public money. In looking over the accounts of the national expenditure which had been lately submitted, he could find nothing satisfactory; they gave no particular reference to the particular applications of the immense sums voted. In the statement of the naval department there was nothing more than one general head of sums paid into the Bank, another of sums drawn out again. In the account of 1808 he found eighteen millions condensed into a few items: in the army statement there was the same spirit of classification. In the ordnance he found the whole subject put at rest in two lines, one of expenses at home, and one of expenses abroad. This of course was inadequate to convey any just idea of the nature of the expenditure; and no vote ought to be given until the distribution of the previous sums was fairly accounted for. It was perhaps not immediately in the power of the office to procure those accounts in a perfect state, but he should provide for that in his motion. But if the heads of those departments opposed his motion, it was obvious that they wished for concealment, and it was equally obvious that there was something wrong. In the commons of Ireland a system had been adopted of laying the account of expenses on the table before voting the supplies, and it had been found one of the best expedients for facilitating the public business; but if they were to be now called on to vote away millions without knowing how the past money had been disposed of, abuses of the most dangerous nature might be left undetected. In 1808 he found 5,600,000*l.* voted, he found only an account of 4,900,000*l.* paid, making the great difference of 700,000*l.* He should therefore, move for an account of the sums voted in the last session for services performed, or to be performed, sepcifying the sums and services as far as can be ascertained.

Mr. A. Cooper objected to the motion on the ground that it was impossible to obtain the account; the charges for the foreign stations, and even for the army at home, could not be brought into a state of account for a considerable time after they occurred, so considerable a time as to make any compliance with the present motion perfectly impossible.

Sir T. Turton had heard nothing in opposition to the statements of the honourable mover. Ministers could contrive to get accounts from even Quebec and Demerary, when it suited their purpose to come down to that house for money. But what was it but nonsense, if that word were not unparliamentary, to have a head of contingencies and current services, in an account not prospective, but which had passed the office; he found those singular heads in the Quebec and Demerary accounts. There must be still enormous abuses. What became of the pay of that immense part of our force which only existed upon paper? What of that part which had lately been invalided? He found even in the returns before the house, as falling off in one year, from 92,000 to 6,000 men; where was their pay?

Mr. Creevey observed, that the most obnoxious part of the expense was that incurred for buildings; they created an expense to support them; they created a patronage, and it was one of the omissions in an honourable gentleman's (Mr. Rose's) book, that he had passed over this branch of patronage and influence. What was the folly of building or purchasing an immense mansion for the master-general of the ordnance? It was almost a sinecure; Lord Cornwallis held it while in Ireland, Lord Chatham while on the expedition, and now the master-general had retreated, and the treasurer ran away.

Colonel Wardle was aware of the ready liberality of ministers in acceding to motions for papers; but then they never gave them. He had moved, some months since, for an account of the expenses of the artillery-drivers corps, and he had never been able to see it on the table.

Mr. Perceval appealed to the general conduct of administration for an answer to the charge of reluctance in giving accounts. Perfect candour on that head had been the object of his majesty's government; but it was not on them, but on parliament, that any charge of delay must fall; they only stated the reasons which were or were not admitted by the house. As to the Quebec accounts, they happened to have come in time for the general statement, and they were of course not thrown off into a future one. The honourable gentleman (Mr. Parnell) would, on looking into the accounts of 1807, find its monies voted for expenses that were only to occur,

and be a matter of account in 1808, and so on. An honourable member had stated the grievance of public works, but it should be remembered they were undertaken at a time when the country and house were calling out for fortifications; when they were actually besieged night after night, by the importunities of honourable members, till they yielded to the general desire, and commenced those works, which they could now cease, without making all they had done worthless. He had no objection to giving the account of 1808; but this unnecessary call for accounts disturbed the business of the offices in a very serious degree. There was a board of commissioners now sitting, from whose labours the most valuable results might be expected; yet, it even required, to supply the accounts for that board, the incessant labour of a number of the clerks in the office from which the demand of the honourable mover must be answered.

Mr. Parnell explained, and after a few words, relative to modifying his original motion, moved, that the accounts of the sums voted in 1808 be laid upon the table, specifying the sums and services to which they were severally applied. The house divided, and strangers were ordered to withdraw.

A division then took place.

For the motion	-	-	16
Against it	-	-	57
Majority	-	-	41

CAMPAIGN IN PORTUGAL AND SPAIN.

On the re-admission of strangers, we found the Chancellor of the Exchequer on his legs, making an observation, on what we understood to have been a notice of a motion respecting the conduct of the campaign in Portugal and Spain, by Mr. Sheridan. On this head the right honourable gentleman remarked, supposing the motion in the first instance to be for papers, how voluminous a mass they would form, if it was the intention of the right honourable gentleman (Mr. Sheridan) to move for all the documents.

Mr Sheridan replied, that his intention was to move a resolution of censure upon his majesty's ministers, for their gross misconduct and unfortunate miscarriages during the campaign, which the documents already in the

possession of the house would bear out, and not to move for more papers, not one of which, if they were actually on the table, should he ever look into or read.

BANKERS' DRAFT BILL.

Mr. Giles moved the order of the day for the second reading of the bankers' draft bill.

Mr. Wharton desired to know upon what ground the honourable member thought this measure necessary.

Mr. Giles stated, as the ground of his bill, that the tax upon bankers' drafts was unproductive; that it put persons to much inconvenience; and that the modes resorted to for evading the tax, such as the having iron chests in their carts, in which country bankers had their notes conveyed from town to them, had the effect of diminishing the post-office revenue. On these grounds, he thought that the tax ought to be taken off altogether, or the limit extended from ten to forty miles distance from the residence of the drawer.

Mr. Wharton and the Chancellor of the Exchequer both contended, that nothing that had fallen from the honourable and learned gentleman was sufficient to induce them to give up a tax which produced 30,000*l.* under the improved regulations. Mr. Wharton moved that the bill be read a second time this day six months.

Mr. Dent supported the motion of Mr. Giles, and recommended that all notes re-issuable should be made subject to a tax on their being re-issued, a measure which would be a check upon the issue of country paper, and oblige speculating bankers to confine the issues of papers within the limits of their actual capital.

The question was then put, and the amendment agreed to without a division, by which the bill was thrown out.

REPORT OF SUPPLY—ORDNANCE ESTIMATES.

Mr. Lushington brought up the report of the committee of supply on the ordnance estimates.

On the motion that the resolutions be agreed to,

Mr. Bankes rose to urge, what in principle had been enforced, as well by himself as by other gentlemen on former occasions. The expenditure of the ordnance department was a branch of the public expenditure which had increased more rapidly than any other part of it. There was a greater expense and less economy and good

management in this than in any other of the departments. He had reason to believe, that the estimates were now placed upon a better footing than formerly; and when he considered the diminution which had taken place since last year, he was ready to give his right honourable friends credit for that diminution. But he was still of opinion, that a very considerable reduction might yet be made in these estimates, not less, perhaps, than a sixth or a fifth of the whole expenditure. In that case, he was persuaded that the country would be more benefited by the money which would be saved them than by the consequences of the expenditure. It was not his intention to take up the time of the house by going through the different items, though he must observe that many questions had been put upon various heads on the last night, which had not been answered. The sums voted for the increase of fortifications at Newfoundland he had a particular objection to. Such modes of defence were directly contrary to the principles upon which this country maintained its colonial possessions. He had a similar objection to the expenditure of money for a similar purpose in our West India islands. The distance of the settlements rendered it more difficult to establish efficient checks; and this was an expenditure which it particularly behoved parliament to curtail. The defence of colonies by fortified places was disadvantageous to powers having the command at sea, as this country, and could only be beneficial to a country circumstanced as France is, because it might enable such a power to hold its insular possessions by means of strong fortresses, in defiance of our superior fleets. It was his opinion, that a considerable reduction might also be made with respect to draft-horses and drivers. Another item, in which a considerable saving might be made, was under the head of works for internal defence of the country. These works were really too extensive, and ought to be limited. The system had been taken up precipitately, on the sudden alarm of invasion, which, in the end, was found not to be justified. But much unnecessary expense had been incurred from the hurry in which the works were constructed in the winter and spring seasons. By applying therefore, the experience of the past to the future expenditure under this head, much expense would be avoided; and this brought him to observe, that his chief complaint was, that according to the system pursued of

late years, the government was understood as a government of departments, without any controuling power to superintend and direct the whole. Of this, the speech of the honourable member opposite, on a former night, was an illustration. Each department wished to make itself as perfect, and to embrace as many advantages as possible, and, in their ambition to outstrip every other department, no expense was considered. The language was, don't mind expense, care not about the pounds or the shillings, but make the department perfect.

"Totus teres atque rotundus."

When parliament, therefore, found the government, in its different departments, without any efficient controul, it became its duty to act, not only as a watch upon the conduct of these different departments, but in some instances as an ally or auxiliary force, in support of what may be right in their arrangements. Committees of that house had often protected ministers in this way against the weight of the departments of their own government. In illustration of this observation, he might advert to the arrangement made in a former session with the bank; an arrangement which, though beneficial for the public, had not been carried to the extent recommended by the committee of finance, of which he had been chairman. No minister, however strong, could have carried that arrangement into effect, if not supported by the weight and authority of such a committee. He had no doubt but very considerable reductions might be made in these estimates. As to the mode of preparing these estimates, it was his opinion that they ought to be drawn up as fully as possible, with all the sums necessary to be voted, specified under the precise heads of service to which they were to be applied. In this respect, he had to complain of the slovenly manner in which the estimates were usually prepared, so that in the smallest estimates the sums and the services were not always fairly represented. He admitted, however, that they were in this instance better in that respect than formerly. He was surprized not to find an estimate or provision for the expense known to be every day incurred in the buildings going on at the ordnance office. The honourable gentleman then went somewhat into detail of the items complaining of the heavy expense incurred last year, for erecting a powder-mill; and also

that so large a sum as 600,000*l.* should have been voted last session for saltpetre, when no such sum could have been necessary. He then observed, that as that house wished to give every publicity to their accounts, it would be desirable that the items of expenditure should be distinctly stated under their proper heads. Though the estimates had been presented this year in an improved state, he was still of opinion that further improvements might be made. But whether the expenditure was to be large or small, it ought to be fairly stated. In that case they should better be able to ascertain how far the sums voted under each head fell short of or exceeded the services for which they might be granted. It was in that point of view that the estimates should be looked at, first by the executive government, and afterwards by that house, for the purpose of establishing an effectual controul over the lavish expenditure of the public money which departments, when left without any such check, were but too apt to run into. By this course they would be able to see how many things, thought necessary by the departments, the public service could do without; and in the hour of danger they would be stronger, through the money saved, than they could be by the effect of an expenditure, on many occasions useless. No effort should be left untried to raise our revenue to our expenditure, as until we should bring our expenses down to an amount commensurate with our revenue, we could never consider the country in a state of security.

Mr. W. Pole began by apologizing to the house for being obliged to repeat a great deal of what he had already troubled them with on the subject of these ordnance estimates. He would, however, endeavour to abstain, as much as possible, from doing so. His honourable friend opposite (Mr. Bankes), had said that one-sixth of the expenses might be saved. In this account, it was clear that a million and a half had been saved; and if his honourable friend knew of any thing that could effect a saving to the amount of a sixth, he certainly ought to have pointed out in what way it could be done. The master-general, and all those under him in the ordnance department, would listen to him, and feel themselves obliged by his communications. His honourable friend, however, had not condescended to point out one single item in which a saving could be made; which he thought

was not fair or candid as he should have expected from his honourable friend. With respect to what had fallen from his honourable friend on the subject of the Martello Towers, having said so much on that head on a former night, he should content himself with now observing, that gentlemen should recollect the time when those Martello Towers were undertaken, and ordered to be built, was, when there was a great alarm raised as to this country being immediately invaded, and the government were looked to in a very anxious manner, to provide the best and speediest means of defence. It was not fair, therefore, to come now and say as his honourable friend had done, that if government had proceeded deliberately they might have done the business much cheaper; for if ministers had at that time proceeded deliberately, there would have been a great outcry against them for being inattentive and dead to the dangers which then threatened the country. He could not agree with his honourable friend, that the ordnance department was under the controul of the first lord of the treasury. He perceived his honourable friend, by the shake of his head, disagreed with him in that position; and another honourable friend of his near him, who was a great financier, by a similar shake of his head, signified that he also differed with him on that point; still he must, much as he respected the opinions of his honourable friends, persist in his own. He allowed, that when he had, as first clerk of the board of ordnance, made out the estimates of that department for the current year, he laid them before the first lord of the treasury, for his attention and observation, and was ready to answer his inquiries as to any of the articles therein contained; but yet he did not think that the first lord of the treasury had any controul over those estimates. His honourable friend had found fault with the charge of current expenses and contingencies; but he had, in common with many other gentlemen, fallen into a mistake. He had on a former night observed the same thing of an honourable gentleman opposite (Mr. Whitbread), who, notwithstanding his acuteness, and his being one of the most active members of that house he had ever seen, had fallen also into the same mistake. He would convince his honourable friend of his error. The ordnance estimates had always been made up in this way, and for this reason. He would, for instance, take the estimates for the Island of Demerara at

4000*l.* When the issues came to be made, it was found they amounted to 6000*l.*; the additional 2000*l.* was therefore added under the head of current expenses and contingencies, and when the estimate was made next year, the current expenses and contingencies would be put down at six thousand, the contingencies having exceeded the estimates. It was easy, however, to account for gentlemen being liable to fall into such mistakes. When they got an army estimate in their hands, each of them fancied himself a general; when they got an ordnance estimate, each of them thought himself a great engineer; and when a navy estimate came into their possession, each of them became, in his own mind, a gallant and experienced admiral; and thus, without knowing any thing of those several professions, without having been bred to any one of them, they set themselves down as competent judges, and preferred their own opinions on those subjects to those of men who have studied, perhaps for years, to attain a thorough knowledge of those branches of naval and military science to which they were bred, and which one would suppose might enable them to form tolerably correct estimates in these several branches of the service. Having said thus much, he did not think it necessary to trouble the house further. As to the financial opinions of his honourable friend near him, future occasions would occur in which he should have an opportunity of combating them.

Mr. Huskisson said, his honourable friend had taken such particular notice of an unfortunate shake of his head, that he could not avoid to say a few words on the present occasion. It was not his intention to have repeated what he had said on a former night; but as he had been so alluded to, he must again say, that if we don't look to some permanent establishment that may be adequate to the expenses of the war, this country would be in a very awkward predicament, and in considerable embarrassment. He should be as glad as any one to hear of a peace; but as he had reason to fear the war would be very long, we must look to some system; we must see what we can expend in one year, and how that can be done to the greatest advantage. He for one had the greatest confidence in the resources of the country, but we must see on what permanent scale of expense we can carry on the war with effect, and provide adequate resources. As he was called

on by his right honourable friend who spoke last, to shew, more than by a shake of his head, there was a controul over the expenditure of the ordnance, he could only say, that ever since he had known the treasury, it had been so held; and if that had always been adhered to, it would have saved great sums to the public, particularly in barracks. His right honourable friend had said, that his honourable friend opposite (Mr. Bankes) had found fault with the extravagance of the expenditure, and had not pointed out one single item in which there could be a saving, whereas the contrary was the case. His honourable friend opposite had particularly pointed out a great saving, which might be made in district horses; and in several articles under the head of expenses for the defence of the country; in which he (Mr. Huskisson) agreed altogether with his honourable friend opposite, that very considerable savings might be made.

Mr. Whitbread contended for the right of every member of parliament to examine into the expenditure of the country, even though he might not be, as the honourable gentleman would suggest, in his own opinion, either an engineer or an admiral. The honourable gentleman ought not to deny a desire of excelling every tribute, for, if he was himself to be believed, there was never a nobler secretary to the admiralty, clerk of the ordnance, or governor of Ireland, than he was. Mr. Whitbread then proceeded to comment on the report, and concluded by hoping it would exhibit an improvement each successive year.

Mr. A. Cooper replied, and the report was agreed to.

Adjourned.

HOUSE OF LORDS.

MONDAY, MARCH 19.

NAVY.

Lord Viscount Melville made several motions, which were agreed to, for returns relative to the navy, of ships in commission, of those in ordinary, building, &c.—On one of them, for a return of the number of docks, and ships in each dock-yard,

Lord Mulgrave was not disposed to object to the noble viscount's motion, understanding his object to be to institute a discussion as to whether it was most expedient to employ hired transports, or ships of war, for the convey-

ance of troops, and wishing that the noble viscount might be put in possession of all the information which he might think necessary for elucidating the subject. With respect to any danger of giving information to the enemy, nearly the same motions had been agreed to in 1805; and at all events the navy was in that state at the present moment, that no danger could arise from giving the information sought for.

Lord Viscount Melville urged the same points in argument; and after a few words in support of his objection, from the Duke of Norfolk, and from the Earl of Darnley, in reference to the motions made in 1805, the motion was agreed to.

The last motion made by Lord Viscount Melville, was for a return of the number of artificers employed in the dock-yards, distinguishing those employed on new work, &c.

Earl Grey was not disposed to object to the noble viscount's motions, on the ground of the danger of giving information of that description; but he did not see how the present motion applied to the object which the noble viscount had in view. The question, as to whether it was preferable to employ hired transports or ships of war for the conveyance of troops, was one of great interest and importance; but it was also one which it was extremely difficult to determine, and he thought it would be impossible for any government to establish an absolute rule upon the subject.

Lord Viscount Melville said, his object was to ascertain the new work ordered, and to shew the practicability of employing the artificers in getting ready ships in ordinary for transport service, instead of their being employed in new work, which was not wanted.

After some conversation between Earl Grey, Lord Viscount Melville, and the Earl of Darnley, the motion was agreed to.

HOUSE OF COMMONS.

MONDAY, MARCH 19.

THE THEATRES.

Sir James Shaw presented a petition from the gentlemen who had before petitioned the house for the erection of a city theatre, praying an extension of the time for

bringing forward a bill for six weeks. The allegations in the petition stated, that the case was now before the privy council, and that the petitioners were anxious to await their decision. The worthy alderman having moved, that the suspension so claimed should be granted,

Mr. Sheridan observed, that it was the most extraordinary application ever submitted to the consideration of parliament. The petitioners first created the difficulty of which they complained, and they then modestly asked the house of commons to sacrifice their orders of proceeding, to that delay and procrastination which was studiously produced by themselves. If, indeed, there was preserved by the petitioners any candour; if even the ordinary courtesi s of life were attended to under such circumstances, there would be an apology for the present unprecedented application, and most certainly he never would have condescended to oppose it. Their petition was presented on the 8th of February last, and referred to a committee. Before that committee they have not ventured to state their case, or to prove the truth of their allegations. It was, therefore, most natural for those whose interests their claim went to affect, to have supposed, that getting rid of the ardour of the first impression, these gentlemen had, upon a re-consideration, determined to abstain from pressing a point, which, if complied with, must operate against others as an act of gross injustice and oppression. In the first instance, they proceeded without giving any notice to those most materially affected by their proposition; and even now they have not thought proper to give a notice of their renewed attempt, although they must have felt that their silence, and want of progress, must have induced their opponents to have considered the question abandoned. But what did the petition presented that night by the worthy alderman convey? It conveyed a positive untruth. It stated that they had applied for a licence, and that the case was now before the privy council. What was the truth? The truth was, that they had made no application for a licence, but had applied to the privy council for a chartered incorporation. That was another illustration of that monopoly, to prevent which these very disinterested petitioners would, by an affected public spirit, wish to impose upon the town as their object. Their petition had been submitted to his majesty's attorney and solicitor-generals, and

those officers had considered it their duty to state, that a compliance with such an application would be an act of gross and unprecedented injustice. From their decision, they have appealed to the King in council; and the house had only to mark their shuffling progress. They first applied to the house of commons, and next to the privy council. Now, suspecting an unfavourable decision in the privy council, they again fly back to the house of commons, and modestly demand a suspension in their favour of its orders. It was not their original proposition with which he was inclined to quarrel; but, when the peculiar interests of others were concerned, he had surely a right to complain of that total absence of gentlemanly consideration, which ever had been observed when new speculators attempted to disturb and injure the recognized property of others. For instance, he would ask with what view it was that this petition was signed by a gentleman, apparently in right of his office as lord mayor of the city of London? As an individual, and as that alone, speculating upon a particular object, had that respected individual a right to sign it? and it was with some justice that the persons opposed complained of the delusion which such a signature conveyed. Did it not, at least at first sight, seem to convey, that the good citizens of London were anxious for this new theatre, and that their worthy chief magistrate was therefore anxious for their gratification? But it was no such thing. The proposition of the petitioners was a personal speculation, wholly unrecommended by any real motive of public advantage. There was indeed a signature to that petition, he meant Mr. Richard Cumberland, which not a little surprized him; knowing, as he did, that the Theatres, at present in possession of patents, had ever been ready to afford his productions a prompt opportunity for the public judgment. If any thing in that ordeal turned out unpleasant, it was not perhaps so attributable to the theatres as to the public. With respect to his moral reformation of the theatres, he might probably succeed in their metamorphose into chapels and conventicles. Mr. Sheridan concluded with stating, that although he felt it necessary to say thus much upon the question, it was not his intention to oppose the prayer of the petition presented by the worthy alderman.

Mr. A. Brown thought that the observations of the

right honourable gentleman premature on the present occasion, and the more unnecessary as he had professed his intention not to oppose the motion. But, waving all discussion as to the original proposition, he thought it incumbent on him to rescue the measure, and the promoters of it, from the severity of the right honourable gentleman's condemnation, who had thought proper to characterise the proposition, as a measure of foul injustice and oppression. He assured the right honourable member, of whose manly mind he and the country were assured, that the gentlemen whose names were to the present petition, were incapable of giving the sanction of their honour and character to a measure of foul injustice and oppression; and he was persuaded, that, upon discussion, it would be found not only undeserving the severe terms of censure which the right honourable gentleman had applied to it, but an act of public expediency, essential under the existing circumstances of the town.

Mr. Sheridan, in reply, briefly stated, that if the petitioners proved that the present arrangement in the theatres were injurious, either to the advancement of dramatic talent, or to the amusement and instruction of the town, he was ready at once to throw up the interest he had in the patent of Drury-lane. At the same time, in speaking of charters, and meeting this cry of monopoly, he would put it, with his best respects, to the lord mayor of London, to consider, whether, if charters were of such little consideration, in consequence of their monopoly, such doctrine might not ultimately go to affect that of the city of London.

The motion of Alderman Shaw was then agreed to.

LOCAL MILITIA.

Mr. Secretary Ryder moved for leave to bring in a bill relative to improvements in the local militia laws. He observed, that the principal objection to the establishment of the local militia was the expense; but that, in the commencement, that objection was not thought of sufficient weight to counterbalance the great and obvious advantages of the measure; but diminution of expense was not lost sight of, and for that object the regulation of December last was adopted. By that, the permanent non-commissioned officers were reduced to one-fourth, and their training days from 28 to 25. The first of those diminu-

tions lessened the expense by 188,000*l.* and the total deduction was 348,000*l.* making about one-half of the present total expense of the local militia. There were some objections to those reforms. It had been said that individuals might suffer by a reduction of an income for which they had given up their former pursuits; next, that the discipline of the corps would suffer from the diminished training; but neither could fairly occur: and, as to the discipline, by exercising the non-commissioned officers for seven days before the general embodying, any injury to the discipline must be guarded against. A clause was intended, giving to the commanding officer a power of increasing the number of serjeants and corporals, provided the whole amount of pay did not exceed the sum already allowed. A second clause was to enable courts-martial to sit after the training days, on the trial of offences committed during those days. A third clause was to entitle volunteers to the militia exemptions, on eighteen days training, instead of twenty-four. A fourth clause was to relieve the parishes from an inconvenience arising from the local militia laws, as they stood at present. By those they were fined 15*l.* for every man deficient in the local militia, unless they found a substitute before the Easter sessions. He would propose to suspend the operation of those penalties, if they filled up the vacancies within a reasonable time, and provided that notice of the vacancy were given them before the 14th of February. He concluded with moving to this effect.

Mr. Giles was sorry the right honourable secretary had not pushed his object up to some more radical change in those laws. It would be of great importance to the lord lieutenant of the counties, that all the acts relating to the local militia should be consolidated into one. He would also suggest, that the militia exemptions of particular classes of men should not extend to the local militia; it allowed of a commutation of services for a fine, and there was no reason why a medical man, for instance, should not pay his fine like any other subject of the state. The mutiny act ought to extend to the training days of the local militia in time of peace as well as of war, but the first thing to be done was to reduce all the acts on the subject into an agreeing and collected form.

Mr. Secretary Ryder had thoughts of coalescing the militia acts, but upon consulting with some men of greater

experience, he felt that the system was so new, and so likely to require and receive improvements, that the time for consolidation was not yet come; he would attend to the other suggestions that had been offered.

Upon the motion of Mr. Martin, the house resolved into a committee to take into consideration the third report of the finance committee, Mr. D. Giddy in the chair.

Mr. Martin said, that, in rising to perform the duty which he had assumed to himself, he felt a considerable degree of satisfaction that there was no objection to the principle of the propositions which he meant to submit. It would, indeed, in his judgment, be impossible to justify any objection to a proceeding which had nothing but economy in view. Since so many speeches from the throne had recommended economy; since so many addresses from that house had expressed an entire acquiescence in those recommendations, he could not believe that any gentleman would be found indisposed to give effect to pledges so frequently repeated. That economy was necessary could not, he thought, be disputed by the most sceptical. That it was necessary appeared to him perfectly obvious, from the peculiar situation of the country; from the general state of Europe and the world, and particularly from the operations of the enemy, which seemed directly and distinctly pointed at our financial prosperity. But, independently of these considerations, the known wishes and wants of the people were alone sufficient to call the attention of the house to this subject. If no recommendations had ever been offered from the throne; if no pledges had ever been made by that house, it was impossible that any candid man, who looked at the amount of the public revenue, and at the manner in which it was disposed of, could hesitate about the propriety of taking effectual steps to controul the public expenditure. When it was known that the whole of the burthen arising out of sinecures amounted to no less than 1,500,000*l.* per annum, could any one question that propriety? He did not mean to state, that the entire of this expenditure ought to be done away; for he was willing to accede the several sums voted by parliament; that the allowances, for instance, to the younger branches of the royal family were neither exceptionable nor unnecessary; but the amount of the expenditure under these heads furnished an additional argument why economy, so universally admitted to be necessary,

should be more particularly attended to in other respects. In fact, wherever that economy was practicable it ought to be promptly enforced, and there was, he believed, scarcely a department of the state in which its enforcement was not loudly called for by the nature of our public expenditure. It was once observed, with regard to the duchy of Lancaster, that although it yielded only 4000*l.* a year to the public treasury, it afforded 40,000*l.* to the pockets of individuals; and a similar observation was, he feared, applicable in a certain degree, to several branches of our revenue. Let the committee recollect the sums raised in the way of fees and perquisites upon the produce of the public taxation, and how much these fees increased with the increase of our taxes, and then the grounds of his fear would be easily understood. The honourable member, although he had regretted the delay which had taken place in bringing this question under discussion, was now disposed to consider that delay as by no means injurious to his object; for full time had been thus afforded for examining the question in all its bearings, and an opportunity had been afforded for hearing the statement of an honourable gentleman (Mr. Huskisson) respecting our finances, which statement, if it did not alarm, was certainly calculated to attract the most serious attention of the house, from the known acquaintance of that honourable gentleman, with the best sources of information upon that subject. It must now be evident, that the closest examination of our expenditure should take place; that every degree of regularity and retrenchment should be established. To his mind, indeed, it furnished matter of astonishment that some retrenchments had not been long since made, which were often and long since recommended. By the report of the committee of finance in 1796, the abolition of two offices, namely, the treasurership of the ordnance, and the paymastership of the marines, was particularly recommended, and yet those offices had still existed, until the justice of the opinion of that committee had become glaring to the country. Even now, indeed, those offices were tolerated, notwithstanding the notoriety of the evidence that they were totally unnecessary for any public purpose, and led only to the greatest abuse. As to the resolutions which he meant to propose, the honourable gentlemen begged it to be understood, that he was not tenacious of any forms which might create a difference of

opinion among those who agreed in the main principle, his object being to embody the suggestions of the committee of finance, he was not at all wedded to forms, but would be willing, with the utmost readiness, to attend to any proposition from the worthy chairman of that committee, (Mr. Bankes,) to whom he had before alluded. The suggestions of this committee were entitled to peculiar attention. In fact, every day that had elapsed since their report had been laid before the house, served to give strength to their opinion, and all he proposed by his resolutions was to pledge the house to act upon that opinion. Having repeated his disposition to accede to any suggestion from Mr. Bankes, the honourable gentleman expressed his happiness that that honourable member was again invested with the power of prosecuting and rendering effective his laudable solicitude for economy. That much had been done to economize the public expenditure, and to introduce reform into the public offices, he was ready now, as on a former occasion, to admit. But he regretted that, notwithstanding the report of the finance committee in 1796, and the public animadversions which had been repeatedly made, not a step towards reform had been taken in any of the law offices. On the contrary, every sinecure office had continued to be filled up again and again, from a succession of reversionary grants. Thus the report of the finance committee of 1796 was utterly disregarded. Such disregard might have been tolerated before the salaries of the judges were advanced. But when that advance took place, it ought, in his opinion, to have been stipulated with the judges, that they should give up part of their patronage. The report of 1796 sanctioned this opinion; for it proposed that the patronage so given up should be disposed of in the ordinary way, and the produce applied to a fund, from which the judges who retired should derive their pensions. Such an arrangement ought, in fact, to have been provided for in the act granting the increase of the salaries of the judges. Had that been the case, he believed that a fund might have been formed, sufficient not only for pensions to judges on their retirement, but even to defray a considerable part of the salaries of the acting judges. The necessity of reform in the disposition of offices in the several law departments, was in fact notorious to all those who had any knowledge of the subject. The circumstances connected with the

appointment of the chief clerk of the king's bench, contributed to prove it. In this office there had been in fact but five vacancies since the restoration of Charles the Second. Nothing appeared to him more disgraceful to a great country, or more inconsistent with the dignity of the judicial offices, than that any judge should derive profit from fees or perquisites. While he recommended the reform he had described, he begged it to be understood, that it was quite foreign to his wish to interfere with the legitimate patronage, or fair emoluments of the judges. Indeed it was his opinion, that the arrangement he proposed would in effect add to their respectability, while it would not diminish their salaries. He would be sorry that his intention on such an occasion should be misunderstood or misinterpreted in any degree. Adverting to the late pamphlet of Mr. Rose, the honourable gentleman expressed his astonishment at the position which that right honourable gentleman had laid down, that the influence of the crown had not been increased since the adoption of Mr. Dunning's resolution, "That the influence had increased, was increasing, and ought to be diminished." Such a position, indeed, was calculated to excite universal surprize. But there was scarcely a man of common observation in the country who could not prove the contrary. He would ask any man to look at the enormous increase of our army and navy since the passing of Mr. Dunning's resolution—at the several new offices created since that period, and the pensions granted since the adoption of Mr. Burke's bill, in violation of its spirit, and to state what he thought of the right honourable gentleman's extraordinary assertion. He would challenge the right honourable gentleman at any time to a discussion of the grounds upon which he pretended to rest that assertion. But the most effectual refutation of the right honourable gentleman would appear from a simple statement of our comparative receipts and expenditure at the period Mr. Dunning's resolution was adopted, and at the present day, with a report of the grants and promotions which had taken place within that interval. Here the right honourable gentleman read the following statement:—

1780.				1810.
Public funded debt on 5th Jan.	*l.* 144,083,114	*s.* 12	*d.* 11¼	Public funded debt on 5th Jan. (the re-

		deemed stock not deducted)	784,552,142 6 7
Interest and management	5,506,999 1 4½	Interest and management	29,992,565 0 0
Army.			
Generals	24	Field-marshals	2
Lieutenant-generals	80	Generals	71
Major-generals	50	Lieutenant-generals	132
Colonels	186	Major-generals	180
Including 51 militia and fencibles.		Colonels	270
Lieutenant-colonels	244	Lieutenant-colonels	661
Including 6 fencibles.			
Majors	253	Majors	764
Including fencibles and volunteers.			
	837		2080
Expense of army	6,589,080 3 7¼	Expense of army (if extras same as last)	19,432,063 6 6
Ordnance	1,272,602 10 10	Ordnance	3,819,466 4 10
Navy.		Navy.	
Admirals	52	Admirals	170
Captains	328	Captains	724
Commanders	176	Commanders	604
Lieutenants	1258	Lieutenants	3102
	1814		4600
Expense of navy	6782,284 7 7	Expense of navy estimates not yet presented, if same as last year	19,578,467 13 9
Including 1,500,000*l.* for paying off navy debt.			
Unfunded Debt.			
Navy	8,357,877 18 4	Navy, as by resolutions, 20th June, 1809	7,221,167 0 0

Exchequer bills under the head of land taxes, malt taxes, &c. Mostly consisting of an anticipation of land and malt taxes, &c.	*l.* 9,502,174	*s.* 14	*d.* 8½	Outstanding demands as by same resolution	*l.* 1,586,581	*s.* 0	*d.* 0
				Exchequer bills	*40,827,200	0	0
					†49,634,948	0	0

Peerage.			
English - -	180	English - -	281
Irish - - -	152	Irish - -	215
Patents of Peerage in England since 1780		-	195
Ditto Ireland since 1780 - - - -			197
Baronets in England since ditto		- -	242
Ditto Ireland since ditto - - -			54

The barrack establishment entirely created since 1780.

The transport board and offices also a new creation.

From this statement the honourable gentleman left it to the house and the public to decide as to the accuracy of the right honourable gentleman's assertion. For was it possible that any man of common sense could subscribe to the opinion that such an augmentation of revenue, such a variety of appointments would not operate to increase the influence of the crown? But it seemed the right honourable gentleman in his calculation had quite forgotten the new sources of influence created by the barrack department, the transport office, and the board of controul, especially the latter, the junior members of which had, he understood, no other trouble assigned to them than that of receiving their salaries. It was, however, convenient for the right honourable gentleman to forget these and other points also which could not at all square with his favourite doctrine as to the influence of the crown. After referring to the report presented to the house by Sir G. Cooper of the number of civil offices in the country, and expressing a wish that a report of similar nature should be annually

* 8,000,000*l.* to be funded in the 5 per cents.

† Of these sums 15,000,000*l.* are charged on the aids of the year 1809.

laid before parliament, the honourable member proceeded to animadvert upon the object and application of the four and half per cent. duties. Those duties were, he observed, originally levied for the purpose of keeping up and improving our fortresses in the colonies, and by no means with a view to be subject to the private dispensation of the house. But, yet, those duties had been made the means of advancing that influence which the right honourable gentleman would maintain to have been for years back wholly unimproved. It was not difficult to divine the cause of the right honourable gentleman's anxiety, to disseminate his statement through the country before the discussion of this subject took place. But the doctrine of the right honourable gentleman could make no stand. It was in fact totally unfounded. In observing upon pensions, the honourable gentleman wished not to be understood as objecting to the principle of a liberal reward to meritorious public servants. But he would always contend against all grants of pensions under the sign manual, as an illegitimate exercise of the prerogative. He also objected to the practice of granting pensions out of the salaries of public offices; for he maintained, that the crown ought to have no power to grant pensions contrary to the spirit and provisions of Mr. Burke's bill, which prescribed that the whole of the pension list should not exceed 90,000*l.* a year. If in any case it were deemed just to make any additional grant, let it not be done by such subterfuges as he had alluded to, let not the provisions of Mr. Burke's bills be evaded; but let the case be brought fairly and constitutionally before parliament, who never were, who never would be, be trusted, inattentive to any claim of justice. The honourable gentleman impressed upon the committee the necessity of investigating this question, and of making some provision against the practice he deprecated, which practice involved a violation of the public burthens and an evasion of the law, while it gave scope to favouritism and unjustly extended the influence of the crown. Recurring to Mr. Burke's bill, he animadverted upon the excess beyond its provision which had of late taken place in the pension list. It was his wish that the whole of this business should be brought annually under the inspection of parliament. The grantees, in all cases of pensions, ought to be made known, in order that the amount of their pensions might be compared with the nature of their services.

It was by frequent revision in these cases that parliament would be most likely to see what retrenchment was practicable; and under the present circumstances of the country it became the peculiar duty of parliament to devote its attention to that object. From the temper manifested of late by the house, there was every reason to augur well for the cause of economy. Through the exertions of that temper he had no doubt that savings would be made in the several departments of the public expenditure, and the smallest savings should be estimated; for even such savings, if economy were extended, might, in the aggregate, amount to something considerable. The country had expected the attention of parliament to this subject, and therefore it must calculate, that as the report under consideration had lain two years before that house, it would now come to some satisfactory decision upon it. He was sorry that it had remained so long on the table, without deciding upon it, because, from that circumstance, the interest it had originally excited, and which it still deserved, seemed, from the attendance of members, to have somewhat abated. After a remark upon the propriety of reducing the allowance made to ambassadors after short services, the honourable member quoted the case of the receipts of the lords of imprest accounts having been reduced from 13,000*l.* to 7,000*l.* a year, and also of a motion of a similar tendency, with regard to the tellers of the exchequer, having been lost in 1780, only by a majority of five. These two precedents he thought sufficient to justify the reduction of the receipts of any public officer, which parliament might deem inordinate, and he should wish to see the principle generally applied. It did not appear to him fair, with regard to the courts of law, for instance, that those officers, in whose hands the money of suitors was deposited, should be at liberty to make use of that money, without rendering the profits accruing from such use to the real owner, to the party succeeding in the suit. Some legal provision upon this subject was highly necessary, and it should be attended with other reforms, particularly as he had before stated, with respect to the disposal of offices to all the courts, both in England and Ireland; for he saw no reason why the arrangement should not, in this respect, be the same for both countries. The honourable gentleman concluded, with proposing his first resolution, namely, that it was

the peculiar duty of that house to promote economy in the public expenditure.

The Chancellor of the Exchequer proposed an amendment by adding the words "of all branches of his majesty's government," which being read,

Mr. Rose offered himself to the attention of the committee. He assured the honourable mover that he did not allude to him when he observed that the savings which had taken place for the last thirty years were never noticed by the advocates for economy; for he had no disposition to say any thing uncivil to the honourable gentleman. As to the pamphlet quoted by the honourable gentleman, he thought it proper to put his name to it, and he was ready to answer for any thing it contained. He would not, however, presume to say that it was free from error, but he could state that there was nothing in it willingly inaccurate. With regard to that position to which the honourable gentleman objected, namely, that the influence of the crown had not been increased of late years, as some gentlemen were so loud in asserting, he had heard nothing that could dispose him to alter the opinion he had written. But he rather believed the honourable gentleman had not read the pamphlet in which that position was laid down. The increase of our public debt, and of the consequent interest he of course admitted, but he protested that he did not know how the influence of the crown had been increased. The bank was, no doubt, under the necessity of employing some additional clerks in consequence of our increased revenue. But the honourable mover asked how the revenue could be increased without advancing the influence of the crown? From this question he saw that the honourable gentleman had not read his pamphlet. For himself he declared that when he looked at the increase that had taken place in our revenue, he was quite surprized at the very small addition of officers it produced. He believed that, with the exception of the department of the customs, this immense revenue was collected without the addition of above thirty or forty officers. As to the army or navy, with these departments he was so wholly unacquainted, that he could not speak to any influence that might be exercised in either; for he protested he had no knowledge of the disposition of above twenty commissaries in both services ever since he entered into office; and he knew that Mr. Pitt was per-

fectly chaste on these points. He was sure that the recommendation of his deceased friend was never found to interfere with official claims either in the army or navy. To the influence, therefore, arising out of the disposition of patronage in the army or navy, he was as little enabled to speak with certainty as the honourable gentleman. With respect to the honourable gentleman's observation, that he had forgotten the transport-office, the barrack department, and the board of controul, in his statement of influence, that observation again proved that the honourable gentleman had not looked at his pamphlet; for the fact was, that he had gone into detail in that pamphlet upon each of the heads alluded to; therefore, when the honourable gentleman should take the trouble of reading that pamphlet, he would have the candour to acknowledge the mistake he had committed this night. As to the report of Sir Grey Cooper, he should not object to the annual production of such a report. On the contrary, he would second the honourable gentleman's motion for that purpose, whenever he should think proper to make it. Of the violations of Mr. Burke's bill, to which the honourable gentleman alluded, he declared himself ignorant. The honourable gentleman cited a precedent from the auditor's office for reducing the receipts of a public officer, but he believed that was the only instance in which such a case had occurred, without any grant of compensation to the party affected by it. That, however, was a case in which the duty of the office was done by inferior clerks, and the principals never interfered, in consequence of which the public accounts were slurred over; but at present those accounts were scrutinized with a degree of precision rarely to be found in the private concerns of the most accurate individuals. The right honourable gentleman concluded with assuring the honourable mover, that his pamphlet was not disseminated to meet this discussion, it having, in fact, been written in the course of the autumn, and left in town for publication.

Mr. Creevey thought the pamphlet of the right honourable gentleman to be one of the greatest delusions that he remembered to have been thrown in the way of the public. The right honourable gentleman had affected a laboured minuteness of detail, where he was calculating the number of the offices that had been reduced within the given period of time; but if the honourable gentleman had

acted fairly towards the public, he would set against the offices abolished the new-created offices which had been added within the same period. Upon the barrack expenditure, he thought the pamphlet in question equally defective; no less a sum than nine millions had been added to the burdens of the public in this department, and would it be pretended for a moment, that the power of disposing so much additional money did not necessarily carry along with it an increase of the influence of the crown? The pamphlet, however, overlooking this enormous addition in this single department, states generally, that there are annually expended 45,000*l.* to barrack masters and their clerks. But where were the expenses in carrying on military roads, and all the other public works connected with this department? Were these to be defrayed out of the 45,000*l.*? or if they were not, ought they not to have been set against the offices reduced? and if so, was the amount of money, saved by such reduction, worthy of comparison with the amount of expense incurred by the new establishment? Another point from whence the influence of the crown had derived, in his opinion, considerable means of extending itself, was the judicial system in India. Pensions, within the period mentioned in the pamphlet, had been granted for life to judges retiring from office. They had seen the effects of this. A right honourable and learned gentleman, now a member of that house, for whom he had great personal respect, had retired immediately upon the passing of that act. Another gentleman, who had been a member of that house, and who had since gone out to India, he meant Sir William Burrowes, had also retired upon the passing of the same act; and it did so happen, that that gentleman did almost invariably vote with ministers. Now, upon this head alone of the judicial system in India, the expenses did not fall short of one million a year; here then was another new source of serious increase of patronage; besides, there were various favourable opportunities for the extension of influence in the exercise of East India patronage, the president of the board of controul had, they well knew, his share of patronage. That gentleman might, if he pleased, send out a number of young gentlemen to India every year. He was not, he believed, very strictly limited as to the number. The honourable gentleman might smile, but he (Mr. Creevey) believed him to have a very extensive

patronage of this sort attached to the office which he held. He believed he had the privilege of sending out as many as he pleased. Another glaring omission in the pamphlet was, that respecting the influence derived from our conquered colonies, and yet it was well known, that since our conquest of Ceylon, Mr. North had gone out as governor of that island, at a salary of 10,000*l.* a year, and that General Maitland had since succeeded him at the same salary. Another honourable gentleman, whom he lately saw in his place, (Mr. Huskisson,) had received 1200*l.* a year pension out of the public money. This gentleman derived also considerable emolument from the situation he held as agent for the affairs of Ceylon, which was, he believed, so circumstanced, or under such management, that the honourable gentleman was in a manner the auditor of his own accounts, as if he accounted only to himself. Another head, from which great influence was derived, was that of the droits of Admiralty. With respect to this, some gentlemen had contended, as if the droits were as much the private property of the King, as the estate of any gentleman was his own private property —of those droits, partly arising out of the sale of the Dutch and Danish prizes, and amounting to the sum of eight millions, but two millions had been as yet accounted for. Had the captors their due share out of the produce of the Dutch prizes? or, if they had not, he would be glad to know, what that constitutional person, Mr. Bowles, would say to this? Another circumstance, which might justly be an object of constitutional jealousy, was the new sort of connection that had grown up between the bank of England and the government. Who would have dared to have predicted, five and twenty years ago, that the bank, under the protection of government, would have withheld payment in specie, and for this protection would, in their turn, have become tax-gatherers for the government? The East India Company was, in the consideration of this influence, another just object of jealousy, with a debt abroad amounting to 3½ millions—with a debt at home of many millions—borrowing what all the world knew they could never be able to repay; the charter expired, or on the eve of expiring, and they looking up to government to renew it. He knew not how it was possible for gentlemen, directors of that company, and having seats in that house, to do their duty at once to the propri-

ctors, and to their constituents. He certainly thought the situations of such gentlemen a nice and difficult one. Again, with respect to the head of pensions, the pamphlet had studiously avoided detail; indeed, the right honourable gentleman seemed to know perfectly well when it suited his own purposes to go into detail, and when to be summary; on the head of the reduced offices, he had been elaborately minute in his detail, and had even gone back to the comparatively remote period of Queen Anne's reign, though he avowed in his pamphlet that his observations should be confined within a certain limited period of time. In the four and a half per cents. and the Scotch pension list, there appeared to be but two or three members of Parliament that had pensions in the year 1784, but at present no less a number than 17 were quartered upon this fund. Another subject upon which the pamphlet had been silent was, that respecting the contractors. He believed that there were such persons members of parliament, and also that the right honourable gentleman himself believed that there were. He was at least satisfied that the right honourable gentleman would not take upon himself to say, upon his honour, that there were not such among the members of that house. The name might be concealed, and no doubt would be, to evade the act of parliament. The honourable gentleman then proceeded to pass an opinion upon the pamphlet generally, which he said bore internal evidence that the writer of it could have been influenced by none but party motives. Considering the talents of the right honourable gentleman, he thought it a most unworthy production, being a narrow and most partial view of the subject it professed to treat on. With respect to one side, it was a most pitiful statement; and with respect to the other, it was altogether defective, neither more nor less than entire omission.

Mr. Rose said, that he trusted the committee would excuse him from again rising to answer another attack upon his unfortunate pamphlet. The honourable gentleman who had just sat down had, however, dealt out his abuse of that dull performance, and his censure upon the motives of the writer, in a manner that might fully justify him (Mr. Rose) in paying very little deference to the opinions of that honourable gentleman. That honourable gentleman had said of him what he had no right to say. He had unfairly and unjustly imputed motives to him

which he denied to have influenced his conduct, and in doing so the honourable gentleman had acted unwarrantably. The pamphlet was generally charged with a deficiency in detail. He appealed to those who had read the pamphlet, if this objection was well founded. With respect to the judicial system, it was the first time he ever had heard, that providing for the independence of the judges was adding to the influence of the crown. With respect to the contracts in the barrack department, he knew of no influence respecting them. As to the charge of not going into detail upon pensions, he admitted that he had not given a list of the names of the pensioners, nor did he think it necessary to do so. As to the influence arising out of the conquered colonies, he did not believe that the whole consisted of above eight or ten offices that any man of any sort of competence would accept. He had omitted in his pamphlet (that had been, however, censured for too nice detail in treating of the reduction of offices) to put against that head the American colonies that had been lost with the loss of America. The honourable gentleman had put him a question respecting the existence of secret contractors in that house. He (Mr. Rose) knew of none: he believed there was no such thing. He would go further, and declare as his conscientious conviction, that there was not in that house one single individual, who directly, or indirectly, had any secret interest in contracts since the time of the act of parliament. With respect to the subject of licences, he admitted that he had had intercourse with members of that house, respectable merchants, respecting them; but he denied solemnly that in point of favour he ever made any difference whatever respecting the persons who applied to him. If the honourable gentleman himself, or any of his friends on the same side, had applied to him on that subject, they would have had from him as equitable a portion of attention as any other member of that house; and if he was capable of a different line of conduct, he should hold himself utterly unworthy of the situation which he held.

Mr. Dundas did not see why the honourable gentleman thought it necessary to introduce the affairs of the East India Company into a discussion of that kind. He denied that the judicial system in India had had any effect in increasing the influence of the crown. The million a-year included the salaries of the judges that went circuit, and

the crown had not the appointment of the judges in India. As for the great official influence that had been imputed to him by the honourable gentleman, he had only to state distinctly, that whatever it might be with respect to the recommendation of persons, he had never exercised it. Lord Minto had in his possession a pledge from him (Mr. Dundas) that he never would exercise it. He had hitherto kept that pledge, and he would continue to adhere to it. As to the patronage of sending out writers, it did not extend to more than one or two every year. With respect to the parliamentary scruples of the directors affecting the discharge of their duties here or elsewhere, the honourable gentleman had only thrown out an opinion, unsupported by any fact or argument, and it might be met by another. One thing, however, might be observed, that there were generally as many directors on one side of the house as upon the other. The judicial system in the East Indies had not grown up since the time of Mr. Pitt. The judges of Madras and the recorder of Bombay had been since added; but these offices were the only additions to the system during that period.

Mr. Creevey repeated what he had asserted, that the judicial establishments in India cost one million annually; and in this he was fortified by the concurrence of other members of the committee.

Mr. Simeon, in defence of the masters in chancery, felt it necessary to state that they had no patronage whatever, and that the increase of their salaries had taken place one or two years before the honourable gentleman had thought of bringing forward his resolutions. The honourable gentleman might therefore very well have left these officers out of his statement; and his object in rising was to prevent its going forth to the public, that masters in chancery possessed any undue patronage, or received any undeserved remuneration for their laborious services; services not the less meritorious because withdrawn from the public view. The appointment of these officers belonged to the chancellor, not to the crown, and the nine of ten, who had been disinterestedly appointed by the present chancellor, were none of them appointed for political objects. He had himself been appointed fifteen years ago by Lord Loughborough, long before he had a seat in that house; and to shew that no political dependence attached to the office, he had only to state, that an honourable mem-

ber opposite (Mr. Morris), generally voted against ministers.

Sir John Nichol stated, in answer to what had fallen from an honourable gentleman (Mr. Creevey), respecting the droits of the admiralty, that two thirds of those droits had been devoted to the service of the captors.

Sir John Newport said, that, notwithstanding his honourable friend (Mr. Martin) had given way to the two first resolutions proposed by the chancellor of the exchequer in place of Mr. Martin's original ones, he (Sir John) preferred those of his honourable friend. He thought those of the right honourable gentleman too generally worded. He thought also, that they took out of view the necessity of some regulation respecting official establishments. It appeared to him too to be a preferable mode of wording that proem to the first resolution, that affairs, &c. &c. "do require the utmost economy," than to say generally, that economy was at all times a great and important public duty. However, if the right honourable gentleman's resolutions (the two first) met with the general approbation of the house, he should not divide the committee upon them, as his honourable friend had acceded to them. With respect to what had fallen from the learned gentleman who had preceded him, respecting the droits of the admiralty, he wished to know, if it was meant to be understood, that of the eight millions of those droits, two thirds had been divided amongst the captors. He meant to say, that the vessels that had been seized in our own rivers, which they had entered in the faith of one friendly power towards another, that two thirds of the produce of that legalized piracy, for he could call it by no other name, had been distributed?

Sir John Nichol said, in explanation, that two thirds of all the droits, as yet disposed of, had been divided among the captors.

The Chancellor of the Exchequer, in answer to what had fallen from an honourable baronet (Sir J. Newport,) thought his wording of the first resolution preferable, because it alledged economy to be at all times a paramount duty, whereas, that of the learned gentleman stating it *to* be a duty under certain circumstances, did by implication, deny it to be a duty independent of such circumstances. With respect to the Danish droits, he could state, that not one farthing of the produce of the vessels taken from the Danes was devoted to any other than the public service.

Mr. Baring said, that the general reasoning upon the side of ministers had been, that they had not used the patronage they had. But that was not the question before the committee; it was not who used, or who did not use it, but whether they should have it to use beyond a certain limit. He thought, for instance, the patronage of granting trading licences, one that admitted of great abuse, and that called for serious consideration.

The Chancellor of the Exchequer said, that the honourable gentleman, so eminent as he was in the mercantile world, could not but be aware that the abuse of the power of granting licences was of that nature as must call for open and speedy detection, and must be productive of effects the most fatal to the government that could be so rash as to resort to it.

Mr. Barham was of an opposite opinion. He thought it a power open to abuse, and by no means open to detection. One of two merchants might be ruined by deferring to grant a licence which might be withheld from him who happened not to be in favour, while the other, who was more fortunate, might, by an early grant, have his goods out to the earliest market. Here there might be flagrant injustice, and yet where lay the remedy?

Mr. Rose said, that it was impossible the grant of licences could be secretly carried on, and dwelt upon the great industry of the board for granting licences, which sat six days in the week, so that a person applying on Tuesday was almost sure of having his answer on Wednesday.

The first resolution was then put and carried.

Mr. Martin having given way to the amendment of the Chancellor of the Exchequer, the resolution was proposed as thus amended, it being understood that Mr. Bankes proposed to introduce his amendment on the Chancellor of the Exchequer's resolutions.

MR. BANKES'S AMENDMENT.

Mr. Bankes then rose, and stated that this object was to remove the vague and general words from the resolution, and to propose such as would at once shew in what spirit the house came to the discussion, and what principles it meant to adopt with regard to the abolition or regulation of these offices. It was true, indeed, that it was always the duty of the house, that is was always a great and

important duty to pay the strictest attention to public economy. But the duty became more imperious at a time when the house was under the necessity every year of imposing heavy burthens on the people. It was natural that, under such circumstances, the people should inquire whether there was any opportunity for retrenchment, and expect that if there was, that opportunity should not be neglected. The saving might be small, but the principle was of the last importance (*Hear, hear!*). He allowed that the saving compared with the expenditure would be very trifling, but the principle would be of great importance in promoting contentment among the people, by proving that it was the anxious desire of the house to subject them to no burthens except such as were absolutely necessary. It was the duty of the house to take care that no money should be wastefully employed, and that when money was given for official duty, the duty should be performed. The public had a right to the service for which they paid—and, therefore when offices at first efficient, came, by a change of circumstances, to be sinecures, they ought to be abolished, so that the salaries might be available for the offices which had sprung up, instead of those that became sinecures. It was through negligence that these offices were allowed to remain after their duties had ceased. He then alluded to the large sum which was now expended for auditing the public accounts, which had become necessary in consequence of the immense increase of the public expenditure. But what he objected to was that the efficient and the non-efficient should each have salaries. Instead then of the general words of the resolution, he wished to bring it to this, that sinecures should be abolished after the interests of the present possessors in them were at an end.

He imagined that there could hardly be a difference of opinion on this point, that people ought not to be paid by the public for doing nothing, but the question would turn upon this, whether these offices, though they could not now answer the purposes of their original institution, ought not to be retained as necessary for the reward of merit and eminent service, and he agreed that there should be some means of rewarding great service beyond the daily wages received by those who had been for a length of time faithful and able servants of the public. He hoped he would be allowed to read the four resolu-

tions which he held in his hand, as these would shew that he had not neglected this point. It had been usual to reward such services either by a direct pension or by a sinecure office. He rather thought that it would be better to confine the reward of service altogether to direct pensions, instead of having what were direct pensions lurking under the name of offices (*Hear, hear!*) A great part of the mischief arose from this confusion of terms. The granting of pensions would be notorious and unequivocal, and this very notoriety would prevent their being conferred in a profuse or glaringly improper manner (*hear, hear!*), but there was no such security with respect to these sinecure offices. As an illustration of this, after disclaiming the intention of saying any thing invidious, he adverted to the manner in which a sinecure had very lately been applied. (*Hear, hear!*) This instance, indeed, was hardly wanting, because it was the common way of giving away sinecures. He therefore did not blame his right honourable friend on the other side (Perceval), he had only done what had been customary with regard to such offices. But what rendered this a little remarkable was, that there was a case of great service before the house at that very moment. A message had been brought down by the minister from his majesty, recommending the grant of a pension to Lord Wellington, to which the house agreed. The bill for conferring this pension had not passed through the house, when a sinecure office fell into the hands of his right honourable friend. He repeated that he did not mean to blame his right honourable friend for the mode in which he had disposed of this. It was indeed the way in which such offices would always be disposed of. But instead of rewarding the great service of Lord Wellington with this sinecure, it had been given to an honourable gentleman who had, he firmly believed, acted always in his politics upon the fair conviction of his own mind, and with whom he had sometimes differed. He meant to say nothing invidious of that honourable gentleman, who very probably had no prospect either of this or any other office of the kind, for the line of political conduct which he had thought it right to follow. But nobody could say, that he had ever done any particular service to the country which deserved this reward. He had never performed any service certainly, for which any one could have dreamt of conferring upon him a direct pension to the

amount of the sinecure which was now in his possession. (*Hear, hear!*). He did not think that both the mode of direct pension, and that of a sinecure ought to be preserved. For the pensions would be given for services performed, and the sinecures would be granted from favour. This method of granting direct pensions for services had become a very great source of expense, and yet there had been no reduction of the sinecures. There had been instances in which these offices had been applied to the necessary object of the reward of services, such as those which had been granted to Lord Chancellors. But as great inconvenience and irregularity arose from their not being vacant at such times as they were most wanted, the act of the 39th of the king had been introduced for granting direct pensions to chancellors, by which they became a charge on the nation, independent of these offices, which were afterwards granted as matters of mere favour. These considerations had induced him to think that it would be much better to abolish these offices, and to give his majesty power of granting pensions to a limited amount in lieu of the offices abolished, the power of giving the additional pensions always commencing with the fall of the sinecures. This was necessary in order to prevent the crown from having for a time a double power; and without this caution it would not be a measure of economy, in the first instance, but a measure of extravagance. What might be the saving on the whole by the abolition of these offices he was not at the moment prepared to state, but it had been calculated in the report. This, however, was clear; he thought that whatever might be the saving, it was important that these offices should be abolished for the reasons which he had already stated. There was another description of offices which required the attention of the house, he meant those where the emolument was large beyond all proportion to the duty. It was proper that these should be regulated, and that an allowance should be made proportioned to the services performed. There was a third class of offices more numerous than the former, he meant the offices which were executed by deputy. The object would be with respect to them, to abolish what was sinecure, and retain what was necessary, reducing the emolument to that for which the duty was performed, with some increase in many cases, no doubt, on account of the increased responsibility. He then read re-

solutions conformable to what he had stated, concluding with this,—That a select committee be appointed to examine to what offices the principles he had thrown out could be applied. Having read all the resolutions, he proposed the first of them as an amendment upon that which had been read from the chair. The substance was, that it was expedient to abolish sinecures, except such as were connected with the personal service of his majesty, or the royal family, to regulate other offices, and to reduce the salaries of such as were executed by deputy to the sum for which the service was performed, with an allowance for the additional responsibility, all to be done after the present interests in these offices had expired.

Mr. Perceval observed, that whatever the house might think as to the propriety or impropriety of pledging itself as to the measures recommended by his honourable friend, all must agree, that the propositions were of the utmost importance in themselves, and required the most serious and deliberate examination. It was of importance to be cautious in adopting them, both on account of their effect upon the influence of the crown, and in as much as they were of a novel nature. He (Mr. Perceval) could not complain that he was taken unprepared upon this subject; but he doubted whether the committee would be prepared to decide upon matters of this importance, with such a very short warning. Resolutions had been proposed from both sides of the house last session, and a long debate had taken place upon them. The resolutions had been printed; they had been long in the hands of members; and as both sets of resolutions were similar in principle, gentlemen must have been pretty well aware of what they were to expect. But his honourable friend had, during the whole of that period, given no hint of his intention to propose any thing of this kind; but as the propositions were of so much importance in themselves, he hoped the committee would not allow itself to be surprized into their adoption. But he could not agree that the propositions would have any of the good effects which his honourable friend anticipated, considering the way in which he proposed to accompany them; and yet, with that accompaniment, the committee could not be aware what practical measure his honourable friend would proceed to found upon them if passed. The committee, of which he had been chairman, had stated in their report, that some offices ought to be abolished, and

others regulated; and proposed, that some substitute should be found for these offices with a view of the reward of public services. It was then clear that there must be some substitute for these offices, and that substitute, his honourable friend had said, must be commensurate with the sinecures abolished (*No, no*)—commensurate with these offices, he understood (*commencing* with the fall of the offices)—commencing with the fall of the offices, was it? Well then, if the amount of the pensions were not to be commensurate with the value of the offices, there would be a reduction of the funds, out of which great services were to be rewarded. What was required of the committee by his honourable friend then was this, that it should consent to abolish the funds which the crown had at present, without knowing how far any thing else was to be substituted, without knowing to what extent he would propose to grant the power of conferring direct pensions. It was proper to be perfectly aware whether his honourable friend meant to propose any diminution in the funds for the reward of services, because that might alter the argument completely; for if no reduction of the fund was intended to be made, then it would be for the house to consider whether, the question of economy being entirely out of the case, the change proposed by his honourable friend would have the advantages he expected from it, whether it would serve to conciliate the people, to remove the complaints of the disaffected and discontented? It was necessary, therefore, that his honourable friend should explain himself distinctly on that point to the committee. Mr. Burke, to whose opinions the finance committee had referred in its report, had said, that changes had a tendency rather to increase than diminish discontent; for people, he said, submitted with patience to old and established practices, if these practices were kept within correct bounds, when they would feel a new mode of bearing the same necessary burthen almost intolerable. Mr. Burke, too, had the subject of direct pension, and sinecures under his consideration, and all he said was, that upon the whole he rather preferred the mode of rewarding services by direct pensions. So his honourable friend said that it was the inclination of his mind, upon the whole, to prefer the method of direct pensions. It would appear from this, that he had not formed a decided opinion upon the question, but was rather inclined to think that the mode of pension was

preferable. But this would hardly induce the house to adopt measures of this importance, without having attentively and maturely weighed their tendency, and without having formed a decided opinion that their adoption would answer some essentially good purpose. The house could not on such slight grounds as those which had been stated by his honourable friend, assent to this change, nor could it reasonably hope that such a change would have any effect in removing discontent. What did Mr. Burke say, on the subject? He said, that he would have no great objection to such a change, but that he did not think it prudent to propose it. He did not like to take away what answered the purpose, in the hopes that some substitute might be found. Mr. Burke then, had refused to be the proposer of such a change, and had said, that instead of removing discontent, it would rather tend to increase it. The house would then consider gravely before it gave into a proposition so new in itself, and so suddenly submitted to them for their decision. But his honourable friend had adverted to a grant of a sinecure place lately, which he contended was a most unexceptionable one, (*a laugh, and hear, hear!*) that was his opinion. There was no law to prevent a grant of this nature being made to such a man as Mr. Yorke, who certainly had been some time in his majesty's service. He thought that the office was part of the patronage of the crown, and that his majesty was at perfect liberty to confer it upon any meritorious individual he pleased. His honourable friend had said, that the place might have been given to Lord Wellington. He could not, in consistency with the ideas of his honourable friend, grant the office in reversion at any rate. But if it had become vacant at the time Mr. Yorke was in office, he did not know that there could have been any objection to his possessing it. His honourable friend had said, that he had no objection to the rewarding of long and faithful civil services. What then was the period of service which his honourable friend would think necessary to form a claim to these rewards? Till some other period was fixed, he might be allowed to suppose that the three years Mr. Yorke had been in office rendered him not an improper object of his majesty's bounty. How long would it be necessary for a man to expiate the demerit of not having been in office? He would ask the gentlemen on the other side, whether they would have it thought it wrong that Mr. Fox should

have got a sinecure of this kind before he had been a year in office; though he had spent a long and laborious life in opposition. Independent of party feeling, he thought that the sinecure in question had been very properly disposed of. He hoped the house would see that this was a measure of too much importance to be adopted so lightly. His honourable friend said, that the sole ground on which he brought it forward was that of economy (*No, no*). Yes, of economy. He had indeed said, that the measure would conciliate the people, and remove discontent; but that he understood to be only through its efficacy, for the purposes of economy. He did not understand that his honourable friend rested it at all upon the ground that it was proper to diminish the influence of the crown; but he conceived that he placed its great utility in its effects in point of economy. He perfectly agreed that every saving should be made that was consistent with the public service, that could be made without detriment to that service. But there the question arose, could this change take place without detriment to the public service? For his part, he thought that the attempt to cut off all these offices at one sweep was extremely dangerous. As to the influence of the crown, he still retained the sentiments he had before expressed, that the influence of the crown, upon the whole, had not increased, compared with the great increase of the popular branch of the government, in wealth and influence, and power in the state. That was his opinion. As to the assertion, that the influence of the crown was increased by the national debt, he believed the very reverse to be the case. He felt himself bound to oppose the amendment.

Mr. Bankes explained, that he certainly thought that less than the aggregate amount of the sinecures would answer the purpose in direct pensions. As to the charge of having taken the house by surprize, he said that an individual member could only propose his resolutions in his place, but the house was called upon at present merely to settle the principle. The substitute, &c. would be a matter for future consideration. But he should be extremely glad if the house would allow his resolutions to be printed, that they might consider them with all the care which had been bestowed on those of his right honourable friend. He was sure his resolutions would gain by that.

Mr. Perceval instantly assented that time should be given to print his honourable friend's resolutions.

Mr. Whitbread considered the accusation of surprize as perfectly unfounded. Some on the same side with the right honourable gentleman had brought forward motions of the same kind, the member for Sussex particularly, which were at least liable to a similar objection. The opposition to the abolition came with a very ill grace from him, a great reversionist, and one who had sinecures in his infancy for no service whatever. (*Hear, hear!*) He allowed that Mr. Yorke was a very honourable private character, but he had performed no public service that deserved such an annual sum, and nobody would ever have dared to propose such a thing for him in the shape of a direct pension. It was not only the inclination of his mind, but his most decided opinion, that these should be abolished. As to the conferring of these places for public service, the right honourable gentleman himself and Mr. Yorke were instances that this was a perfect delusion upon the public. He contended that though no great practical saving could be made, still even a sum might be saved not unworthy of attention. Suppose, for instance, that 150,000*l.* a year should be saved, this would form the interest of three millions, which we might be obliged to borrow, or enable parliament to remove some petty but vexatious tax. The reception of Mr. Yorke, by his former constituents, proved what the public thought of this grant. He went to them after vacating his seat, and they very properly refused to return him. Could the right honourable gentleman state one instance in which a great public service had been rewarded with a sinecure? It had been found necessary to create provisions for chancellors by direct pensions. As to the crown, these offices, instead of being a source of strength, were only sources of weakness, especially now when they had become quite disgusting. It would most certainly conciliate the people to shew that attention was paid to the proper expenditure of their money. It would be less vexatious to their minds to pay a pound when convinced of its necessity and justness, than one penny, with a conviction that it was to go to these sinecure men. To illustrate the want of attention paid to economy, and the truth of the observation of Lord Melville, (at one time first lord of the Admiralty) that two-thirds at least of our expenditure in the article of stores was misapplied; he cited the case of cer-

tain ships where stores had been laid in, on their sailing from the river for eight weeks, but in which on their arrival at the Nore, other stores were to be found necessary, those originally put on board having been made away with. Sinecures, the honourable member contended, were but an excrescence of the constitution. At the time the salaries annexed to these offices were granted, the offices were effective. It was, therefore, not so novel now to seek that they should be abolished, being non-effective, as to ask that they should convey, as it were, freehold rights to the sums in use to be paid for the performance of the duty annexed to them. It had been stated, however, by the honourable gentleman to whom he had before alluded (Mr. Yorke) that the fees of the office lately conferred on him did not come out of the pockets of the public, but arose from small fees on sums going into the exchequer. Were not all these, however, he begged to ask, sums collected from the people, and of course the per centage on them an additional burthen on the public? It was beyond human patience that the people should be called on to endure insults of this kind. On these grounds he was of opinion that the house should that night come to a vote on the resolutions now proposed for their adoption. If there were gentlemen, however, in the house, who might wish the business to be postponed, in consequence of their being till now unacquainted with the proposition of the honourable gentleman (Mr. Bankes), he could have no objection to this delay. As to the right honourable gentleman (Mr. Rose) he was convinced that he never wished to influence any man. All his publications shewed, that, in the purity and simplicity of his mind, he saw no more danger of influence from the distribution of 70 or 80 millions, than from that of 8 or 10; and that he would not suppose men to be more bound to the throne, from its having the disposal of 1000 places, than if they only amounted to 70 or 80. He (Mr. Whitbread), was satisfied the true way to strengthen the influence of the crown was to conciliate it to the feelings of the people. When he talked, however, of abandoning the paltry advantages arising from lotteries, he was told that they could not be given up, because, notwithstanding all the evils and immoralities to which they gave birth, a certain gain thence resulted to the revenue. Yet on the other hand, when he talked of the abolition of sinecures, he was told this was paltry consideration, a thing by which the public could

not be materially benefitted. He hoped the house and the people would look steadily on, while these resolutions were under consideration; and he trusted that the honourable gentleman (Mr. Bankes) when his motions were printed, would not allow the matter to lie over, but would press it forward before the Easter recess.

Sir J. Newport thought that the pension list of Ireland, instead of 40,000*l.* should be limited to 30,000*l.* This he presumed to think would be the fair proportion, and would still leave the adequate means of rewarding merit. He gave in a proposition to this effect, and hoped that it would be printed along with the others.

Mr. Bankes then proposed that the matter should be postponed till to-morrow fortnight, the committee then to sit again.

Mr. Martin begged to recal to the recollection of gentlemen how often the business had been postponed. He hoped nothing would be allowed now to intervene so as to prevent its coming to a decision.

The chairman then reported progress, and obtained leave to sit again.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 20.

LIFE BOATS.

Mr. Curwen asked the Chancellor of the Exchequer whether it was his intention to bring forward any proposition for rewarding Mr. Manby for his industry and skill in the construction of the life boats at Yarmouth; adding, that, if answered in the negative, he should himself feel it his duty to submit a motion upon this subject.

The Chancellor of the Exchequer answered in the negative.

Mr. Curwen therefore gave notice of a motion for Friday.

JOHN BOWLES AND CO.

Mr. Orde expressed a wish to know whether the report laid before the house last sessions with regard to the misconduct of the Dutch commissioners, had been yet referred to the examination of the auditors of public accounts, or what was the intention of the treasury upon the subject? This question he was induced to put, because he had heard that the Dutch commissioners had presented a memorial to the treasury deprecating the reference alluded to.

The Chancellor of the Exchequer stated in reply that he understood there had been some communications to the treasury upon this business, with regard to which he would inquire and furnish the honourable gentleman with all the information in his power the next day.

LORD WELLESLEY'S MISSION.

Mr. Whitbread inquired whether there was any objection to lay before the house the document to which allusion was made last night, namely, a copy of the instructions given to the Marquis of Wellesley upon his departure for Spain.

The Chancellor of the Exchequer wished to know upon what points in these instructions the honourable gentleman desired information? Whether with regard to our military or financial aids to Spain, or the advice which the noble lord was instructed to offer to the Spanish government?

Mr. Whitbread felt it impossible to state what parts of these instructions, of which he was wholly ignorant, it would be desirable to lay before the house. He should be contented with the production of such parts as the right honourable gentleman himself might deem it consistent with the public service to communicate; and when they should be brought forward, it would then be for him to ascertain what farther communication, if any, should be necessary to his object.

The Chancellor of the Exchequer only desired to know the general nature of the information required. However, if the motion referred only to extracts, he would take care to present such as could be laid before the house without detriment to the public service.

Mr. Whitbread agreed to frame the motion according to the right honourable gentleman's idea; and he therefore moved, that there be laid before the house extracts from the instructions to the Marquis Wellesley upon his departure from this country as ambassador to Spain.—Ordered.

REVERSIONS.

Mr. Bankes said, that in rising to bring forward the motion, of which he had given notice, he apprehended he might assume, that there was no objection in that house to the principle of the measure he meant to submit, and therefore it did not become him to dwell upon that part of the question. Any objection likely to be made to his motion would, he understood, apply to the expe-

diency of pressing the measure in the shape in which he thought it necessary, under the circumstances which had recently occurred in another place. But when it was considered, that that house had ever since the commencement of the present parliament pursued with peculiar perseverance, and looked with the utmost anxiety for the attainment of this object, he thought he might fairly assume, that the best mode of securing the accomplishment of that object would meet a decided preference. That mode appeared to be the declining of any compromise, and the rendering permanent the act to prevent the grant of places in reversion, instead of passing a measure of suspension. He deprecated any attempt to discountenance the course of proceeding he proposed, in consequence of what had happened upon this subject in the other house of parliament. For it was not presuming much to calculate, that although the principle of his proposition was not so favourably received in that house; although a measure grounded on that principle was actually rejected, when brought forward by one of its own members, yet that when such a measure came into that house with the sanction of the assembly he had the honour to address, it would meet a different fate. It was said, he understood, in another place, that in any measure of this nature affecting the royal prerogative, its introduction should have been sanctioned by the approbation of his majesty. Such approbation he did not think at all necessary, or that the want of it should serve to create the slightest impediment. Indeed he never heard of that necessity being stated until very lately. Certainly no such doubt was glanced at when he proposed the first measure of this tendency, and therefore it was passed without any previous sanction from his majesty, or even a hint that such sanction ought to be asked for. What the course of the other house ought to be upon any point of legislation, he would not presume to say; but he was not aware of any reason for a difference between the two houses on a question of this nature; but yet as the impediment was stated, he would recommend it to the consideration of his right honourable friend (the chancellor of the exchequer) who was always friendly to the principle of this measure, to take that proceeding, which, as a minister of the crown, he was enabled to do to remove that impediment. He meant, that his right honourable friend

should advise his majesty to give that previous consent, the want of which had raised up an unexpected obstacle to the success of this measure in the other house of parliament, namely, that his majesty should, through his ministers, communicate the same kind of approbation, which was usually granted to certain petitions, and which approbation was never held to compromise the opinion of ministers, for all that preliminary approbation imported was, that the subject it referred to might be entertained. It was to be regretted much, that a measure of this nature should have been already rejected in the other house. But yet it could not be deemed pertinacious to press it upon their lordships' attention, obviating, as he should, by a change in the form of his motion, the objection against the second proposition, in the same session, of a measure once rejected. It was well known, that the slightest variety removed that objection; and to answer the end in view in this case, he had altered the terms of his motion from that which he had submitted in 1808. There could not, he observed, be any inconvenience in entertaining this bill; for even should it be rejected in the other house, it would be still open to propose an address to his majesty, as on a former occasion, especially the grant of places in reversion, or to bring forward a bill of suspension. The session was yet entire, and there was quite time enough to pass such a bill of suspension, through both houses. The course which he now submitted, he conceived, as he had already observed, the most effectual for the attainment of that object, which the house had so long sought, and which the country expected. If it did not succeed, the house might then resort to other measures. The honourable gentleman expressed his readiness of course to attend to any suggessions which could serve to render the provisions of his measure more effective; and concluded with moving for leave to bring in a bill to alter the mode of granting offices heretofore granted in reversion, or for joint lives, with benefit of survivorship.

The Chancellor of the Exchequer declared, that he never thought this measure of any great importance one way or the other. He was not, however, willing to obstruct its progress; but, at the same time, as a different opinion prevailed elsewhere upon the merits of this measure, and it appeared necessary to the attainment of the object in view that this difference should be consulted,

he would, therefore, advise his honourable friend rather to propose his measure for a time to be limited. In fact, a bill of suspension was the more natural course for his honourable friend to pursue, at a time when he was proposing the abolition of sinecures altogether. For if the abolition took place, the bill of his honourable friend would of course be superfluous. Therefore he would propose an amendment to the motion, by adding the words for a time to be limited. As to the recommendation of his honourable friend to offer certain advice to his majesty, whatever he might think of it, it would not be proper for him to state in that house what advice he should feel it his duty to present upon the subject. The amendment being proposed,

The Speaker suggested that it would be competent to any member to propose a clause in the committee as to the duration of the bill.

The Chancellor of the Exchequer's amendment was withdrawn, and Mr. Bankes obtained leave to bring in his bill.

NAVAL PROMOTIONS.—MR. MONTAGU.

Sir C. Pole rose to submit his promised motion upon the obstacles which had arisen to the promotion of Admiral Montagu's son, which obstacles, however, he was willing to admit arose out of inadvertency.—This young gentleman was, the honourable baronet observed, in the Mediterranean, when the time of service, which entitled him to a lieutenancy, had expired. But his title was rejected in consequence of an ambiguity in certain orders in council. By one of these orders, it was provided, that any gentleman who had been three years at the Portsmouth academy, and three years afloat, should be entitled to promotion; but by another order, establishing the new naval college, it was required to be four years afloat. Thus, by a mistake in these orders, injustice was done to Mr. Montagu, and to many other young gentlemen similarly circumstanced. Although Mr. Montagu's period of service expired last August, though application for redress in this case was made to the admiralty in December last, that redress was not yet obtained.—But some gentlemen, not so much entitled to consideration as Mr. Montagu, had been since promoted; there were several letters addressed to the admiralty upon this subject, by

Admiral Montagu, and other documents also, for which he meant to move, in order to elucidate this business. But understanding it to be the intention of the admiralty to remedy the evils complained of, as fast as it was possible, he would not press these motions. To Mr. Montagu, however, he did not know how it was possible to administer any remedy, unless his commission was antedated, so that he should not suffer by the time his promotion had been delayed. The honourable baronet concluded by moving an address to his majesty, praying the consideration of the case referred to, and that in that and all similar cases every practicable remedy should be applied—that notice should be sent to our commanders on foreign stations, in order to provide against such evils, by correcting the ambiguity in the orders in council which gave rise to them. The honourable baronet, however, expressed his disposition to withdraw his motion, if it should appear, from the declaration of the honourable member of the admiralty board, that this board proposed to grant the redress required.

Mr. Ward assured the house and the honourable baronet, that it was the resolution of the first lord of the admiralty that all the evils alluded to in this case should be immediately remedied. That those evils were the result of mere inadvertency was certainly true. By the order in council of 1806, for establishing the new naval college, and abrogating the old naval academy, no notice was taken of those who had completed their time at the latter, and thus the examiners of Mr. Montagu were urged to object to the promotion of that gentleman. When the case was known at the admiralty, he could state that its hardship was felt by all connected with that board, and by none more acutely than by the first lord. But the board was bound to consider the legality. In order to solve that difficulty it was referred to the legal advisers of the board, whose opinion was against Mr. Montagu, not only upon the case drawn up by order of the admiralty, but on that drawn up by Admiral Montagu himself. Still it was resolved further to investigate this subject, and when he requested the honourable baronet to put off his motion for a day or two, it was because the case alluded to was under the consideration of the attorney and solicitor-generals. Since then these law officers had delivered in their opinion, and he was happy to state, that not-

withstanding the ambiguity which appeared in the orders in council, that opinion was in favour of Mr. Montagu. The first lord was therefore determined to make all the reparation in his power, and with that view had ordered his commission to be sent out ante-dated. As to the honourable baronet's allusion to promotions under circumstances similar to those of Mr. Montagu, he never heard of any but very lately, of that of Mr. Jenkinson, who was examined by the navy board, from whom he obtained the certificate of his qualification. When his credentials were presented to the admiralty board, who was now in the habit of examining the grounds upon which such credentials are granted, Jenkinson obtained his commission. But he could assure the house, that at that time the admiralty was not at all aware that Mr. Jenkinson was in the same situation, as to time of service, with Mr. Montagu, and that as soon as informed of that circumstance Mr. Jenkinson's commission would have been cancelled, if it were not for the opinion of the crown lawyers. The honourable gentleman concluded with expressing his hope, that the house would feel the conduct of the board of admiralty to have been perfectly correct, and that it was actuated solely by a desire to do its duty by administering its power according to the precepts of law and justice.

Admiral Markham was surprized at the assertion of his honourable friend, that the admiralty was not in the habit of investigating the grounds upon which certificates were granted by the navy board. On the contrary, such an examination was the peculiar duty of the admiralty, and he could affirm, that it was a duty never overlooked upon any application for promotion, while he had the honour of being a member of that board. The appointment of Jenkinson upon the 11th of December, as soon after his examination on the 7th, was naturally calculated to excite conversation out of doors, where the refusal of Mr. Montagu's promotion was much talked of, and particularly in consequence of some difference that was known to exist between the first lord of the admiralty and Admiral Montagu, the father of the gentleman alluded to in the motion. The honourable officer contended that there was no order in council that warranted the demand of four years service afloat, to qualify for a Lieutenancy. This probably was an arrangement of the first lord of the admi-

ralty, who was known to be very forward to act for himself on subjects of which he could know little or nothing, and who in the case under discussion, referred to lawyers, instead of referring to his professional colleagues. Indeed, it was understood that in this case the first lord took a course directly opposite to the unanimous opinion of all his professional colleagues. If this were not the fact, he called upon the secretary of the admiralty to deny it. As to the proposed grant of a commission to Mr. Montagu, with a prior date, this was a very novel proceeding. He remembered a similar measure having been proposed to Sir Philip Stephens; and although the claim of justice was peculiarly strong, that officer resisted it upon the ground that if such a precedent were established, it was difficult to say to what it might lead, and upon what various pretences commissions might be antedated. To guard against the operation of such pretences—to provide that undue influence should not be allowed to interfere with the fair system of promotion in the navy, the honourable officer strongly recommended, that the antedating of the commission in this instance should be accompanied by a special minute, calculated to answer that end.

Mr. Croker vindicated the conduct of the admiralty, and denied that there was in any *parson* belonging to that board any disposition of hostility towards Admiral Montagu. *We* (said Mr. Croker) referred his case to *our* counsel, Mr. Jervis; his opinion was against the claims of Admiral Montagu. *We* then (continued Mr. Croker) called upon the gallant admiral to furnish *us* with his own statement of his own case, drawn up by his own hand; the gallant admiral did so. The last statement given in was referred by *us* to the attorney and solicitor generals; their opinion was in favour of the young man's time. Gentlemen then must see that it could be a question of no ordinary difficulty when three counsel of such great professional authority differed upon its merits. *We* (said Mr. Croker,) did not think fit to decide upon it *ourselves*, not being all of *us* professional men. Some of *us* were, to be sure, more immediately connected with the navy as a profession than others of *us* were—*we* were not all lawyers, and therefore *we* thought it expedient to refer the case to legal opinion. A gallant admiral (Markham) opposite to me (observed Mr. Croker), has thrown out a broad insinua-

tion, as if all the professional lords of the admiralty differed generally from the opinions of the first lord. The gallant admiral had even asked me if I could deny it? I do deny it; and this I take to be a sufficient answer to the question put to me by the gallant admiral. The honourable gentleman then proceeded at some length to contend with *great warmth* that *they*, the admiralty, were well disposed towards Admiral Montagu, and well inclined to grant him every favour they could. There was not a *parson* at the board that did not feel so disposed towards the gallant admiral.

Mr. Whitbread said, that one would imagine from the great warmth the honourable gentleman had displayed, that he differed all the time from those who supported the present motion. There had been no intention of charging the admiralty with any hostility towards Admiral Montagu. The honourable gentleman had told them that they were not all lawyers at the board of admiralty. This certainly was comfortable intelligence in these times, when official departments were so overrun with lawyers, the first lord of the treasury a lawyer, the chancellor of the exchequer a lawyer, a secretary of state a lawyer, and the secretary of the admiralty a lawyer. These were lawyers enough in all conscience, though to those who were strangers to the *peculiarity* of the honourable gentleman's pronunciation, it might appear that he had rather singular notions of what was and what was not professional, as that honourable gentleman had spoke so much of *parsons* not being professional men (*a laugh*), though he (Mr. Whitbread) believed that those reverend gentlemen were generally considered as such. The honourable gentleman had entered into a warm defence, that was altogether unnecessary, of himself and the board of admiralty, no matter which, for the honourable gentleman had done the board the honour of identifying them with himself. He spoke as big as the first lord of the admiralty *might* do, but certainly would not; and as if he had been himself at least one of the lords, it was nothing but "*we* did this," and "*we* ordered that"—*our* opinions and *our* orders, *our* counsel, and what not. To be sure the honourable gentleman had some pretensions. He had not been idle since he came into office. He had been the means of converting a venerable old gentleman, for whom he (Mr. Whitbread) had great respect, into a young and enterprizing sea officer, and

Major Cartwright that was of his majesty's army, was then, according to the honourable gentleman, a rising lieutenant of the royal navy; nor had the official exertions of the honourable gentleman stopped with the living. He was resolved to be grateful to those who died in their country's service, and to promote them if he was to raise the dead for it. (*A laugh.*)

Mr. Croker replied, that he was for a long time at a loss to make out what the honourable gentleman meant by imputing to him language that had never fallen from him, but he now found that the object of the honourable gentleman was to *make a joke*, and therefore he must forgive him, though the joke was not, after all, a very good one. At the same time he must request of that honourable gentleman the next time he intended to make jokes, not to ground them upon misrepresentations of what had been said by him (Mr. Croker).

After some further conversation between Admiral Markham, the Attorney-general, Mr. Ward, and Mr. Taylor, Sir Charles Pole agreed to withdraw his motion for the present, on an understading that the required accommodation would take place. Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MARCH 21.

The royal assent was given by commission to the mutiny bill, to Lord Viscount Wellington's annuity bill, and to fifteen private bills.

The mast importation bill and the sugar bounty bill were read a third time, and passed.

IRISH CATHOLICS.

Lord Viscount Clifden rose and presented a petition from the Roman Catholic inhabitants of the town and county of Carlow, in Ireland, praying for relief from the various disabilities under which they labour, and to be placed on an equal footing of civil eligibility with their Protestant brethren. His lordship made a few observations on the case of the petitioners and others in a similar situation, to whom promises of complete relief were held out at the passing of the Union, by the declarations of the minister, and by the general understanding in Ireland.

Lord Redesdale said, that it was not correct to say that such a promise had been made during the transaction of the Union. In fact no such promise was made.

Lord Viscount Clifden rose again, and declared that such promise and intention were held out in Ireland by those persons who were in the employment and confidence of the castle.

The petition was read, and was ordered to lie on the table. Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 21.

Lord Mahon moved that there be laid before the house a list of the names of all the officers employed in the care and receipt of his majesty's revenue, at the port of Kingston-upon-Hull, with an account of the salaries received by them, the fees, and an account of the compensation granted them in lieu of fees abolished.

Mr. Thompson expressed a hope that the production of this account would lead to the relief of the revenue officers and tide-waiters of the town of Hull, a great many of whom were obliged to apply to the parish for assistance, from the inadequacy of their salaries to support them. Adjourned.

HOUSE OF LORDS.

THURSDAY, MARCH 22.

NUMBER OF TROOPS ON FOREIGN SERVICE.

The Earl of Darnley rose, in pursuance of the observations he had previously made, on the subject of the great numbers of our military forces which had been sent abroad of late, on various expeditions by ministers. It was his lordship said, pretty generally and confidently reported, that almost all the regular infantry were about to be sent out of the country, and that even a regiment of cavalry (the 13th light we understood), was sending to Spain or Portugal, which might speedily, in the event of re-embarkation, find it necessary to cut the throats of all the horses. He could not understand on what grounds an opposition to the motion he had to submit could be supported, as motions of a similar nature had not been negatived. It was in his judgment, highly necessary to carry the motion, in order to shew the country what use

the government had made of an immense military establishment, and in what situation they had now, by their improvidence, left the country. His lordship concluded by moving for accounts of all the regular infantry, cavalry, and artillery, sent out of the country on different expeditions from the first of November last, up to the present time.

The Earl of Liverpool was not averse to putting the house in possession of all material information on any important subject, except where the nature of the case was such as to render it impolitic, with reference to the interests of the country to do so. He did not feel that any very serious danger could result to this country by the production of the accounts moved for; but must still think, that on a general view of the subject it would be impolitic to give information to the enemy, of the exact number and distribution of our forces at home, and in different parts of the world. The expeditions which the noble earl so much disapproved of, had not been so planned or conducted as to neglect or impair the general security of the country, which had never been left out of consideration under all the particular circumstances of different periods. He felt it on the whole, his duty to give his negative to the present motion.

Earl Grey contended strongly in defence of the motion; that it was by no means founded on any novel and unprecedented principle, and that it was necessary, in order to obtain a just view of that situation of our affairs, into which the improvidence and misconduct of ministers had brought the country. Was there not sufficient ground for suspicion of the fitness of ministers to dispose of the forces of the nation, after the repeated calamities we had experienced—the failure of all their extravagant, wasteful expeditions, and the disappointment that uniformly followed their plans? None, after the failure of the expedition under the gallant Sir John Moore? None, in the results of the second campaign in Spain, undertaken after the experience we had gained by the failure of the first? None, in the still greater misfortunes and the disgrace that befel our expedition in the island of Walcheren, and in the river Scheldt? Could it be maintained that the house should not call upon those ministers who had so misused our best resources in

money and in lives, and who were understood to be now sending out fresh armaments on plans equally useless and wasteful—ought not the house to demand information from such ministers, as to the actual state in which our army was left at home, in order to see the full extent of our evils, and the possible danger to which a career of errors might subject us? The motion might appear to ministers dangerous to themselves. If he thought it dangerous to the interests of the country, he would not support it; but he thought it calculated to produce to the country beneficial information, and should therefore give it his vote.

On the question being put, the house divided, when the numbers appeared

Not contents - - -	38
Contents - - -	28
Majority against the motion -	10

EXCHANGE OF PRISONERS.

On our re-admission, we found Lord Holland on his legs speaking on the subject of which he had given notice, relative to the allegation made by the French government, that a proposition had been transmitted to this country, to send commissioners to Morlaix to negotiate an exchange of prisoners, and had been eluded or rejected. Upon such a subject he had hoped, that some answer would have been given by his majesty's ministers to so serious a charge; but that not having been done, he felt it his duty to bring forward the motion of which he had given notice. It had been a matter of notoriety to all Europe, that the whole blame of disregarding the calls of humanity, by not effecting an exchange of prisoners, rested with the French government, in consequence of the inadmissible pretensions which that government had advanced. He would not, upon light grounds, believe, that his majesty's ministers, bad as he thought them, and no one could have a worse opinion of them, would have been guilty of the cruelty and inhumanity of refusing to treat for an exchange of prisoners, and of thereby shewing to Europe that it was no longer the French government, but our own, that obstructed the attainment of this most desirable object. If such were the case, it would shew a wickedness on the part of his majesty's ministers great-

ly surpassing every other species of misconduct of which they had been guilty, and would justly entail upon them the abhorrence of the country. He would not, upon light grounds believe, that they could be guilty of such atrocious wickedness, but the charge had been made, and it was incumbent upon them to meet it. The assertion had first been made in the notes in the *Moniteur* upon the King's speech, in which it was said, that a proposition, made on the part of the French government to send commissioners to Morlaix to treat for an exchange of prisoners had been rejected. This might be said to be a mere newspaper charge made by the editor of the *Moniteur*, whoever that personage might be, and not worthy of much attention; but the charge had been repeated in a solemn official document, addressed by the Duc de Cadore to the minister of foreign affairs for Holland, in which no less than the annihilation of one of the powers of Europe was announced. In this document it was again asserted, that a proposition made by the French government to send commissioners to Morlaix to treat for the exchange of prisoners had been eluded or rejected, for fear it should lead to a negotiation for peace. This formed, it would be seen, a charge of fact and a charge of motive against his majesty's ministers. He did not mean to urge the latter charge; but with respect to the former, his majesty's ministers were imperatively called upon to answer it. He believed that, in the former negotiation, there were four points which formed the chief obstacles on the part of the French government. The first related to those persons who were detained in France at the commencement of hostilities, by what, to say the least of it, was a most useless act of tyranny; the second related to seamen taken in British vessels, and who, either as a matter of convenience or necessity, had been afterwards released, but respecting whom, notwithstanding the French government made a claim that an equal number of French seamen should be exchanged for them; the third involved the construction of a capitulation, respecting a garrison at St. Domingo, who, it was stipulated, should be sent to Europe. The French government interpreted this to mean, that they should be sent to France; the interpretation on our side was, that they should be brought prisoners to England, which they were accordingly. The French government, however, insisted upon the former

interpretation. The fourth point, and that which was totally inadmissible, was a claim on the part of the French government, that the Hanoverian army, who laid down their arms, should be considered as British prisoners in the hands of the French, to the number of 21,000, and that an equal number of French prisoners in this country should be exchanged for them. These he believed to be the points on which the obstacles to the exchange had before arisen, and which clearly rested with the French government. The charge, however, now made against his majesty's ministers was, that they had refused to enter into a negotiation. To ascertain a point of such great importance to the character of the country, it was essential that information should be laid before the house, and with this view he had framed his motions. It would be no sufficient reason for refusing this information, to say, that the negotiation was still pending; because it was ridiculous to suppose that a negotiation upon such a point could have been so long pending, as it must have been more than three months since, according to the French papers, the proposition had been made. It was needless for him, upon a subject which must come home to the feelings of every one who heard him, to expatiate upon the hardships endured by those who, by the accidents of war, became prisoners. To a young man engaged in an active profession, it must be a most severe calamity, to find himself immured for years in a prison, and deprived of those hopes of advancement in his profession, to which he had fondly looked forward. It was an incumbent duty in a government to render this calamity of as short a duration as possible. He trusted their lordships would be convinced of having information upon a point which so materially involved the character of the country, and upon which he regretted to observe, that his majesty's ministers had preserved so dignified and unfeeling a silence. If his majesty's ministers determined to reject the motion, a suspicion would then naturally be excited, that something remained behind which they were afraid should be discovered, and a colour would be given to the charge which had been made by the French government. His lordship concluded by making the following motions, for

"Copies of all correspondence which may have passed between the transport, or any other department of govern-

ment, and any other persons authorized to treat on the part of the government of France, respecting the exchange of prisoners of war, since the first of September, 1809. Also a statement of all communications made by the transport board, or the chairman thereof, either to the board of admiralty or to the first lord commissioner, respecting an exchange of prisoners of war between Great Britain, since the first of September; and also copies of all official letters which have passed between the admiralty and transport boards, relative to an exchange of prisoners of war, since the first of September last.

"An account of the dates of all communications from persons authorized by the government of France, to the transport board or other department of government, respecting the exchange of prisoners, since the first of September, 1809, and of all answers thereto, distinguishing those which related to the terms of exchange, and those which related to the appointment of commissioners to negotiate thereupon."

Lord Mulgrave regretted that the noble lord should have persisted in bringing forward this subject, which he thought would rather do mischief than good. He could not help, however, adverting, in the first instance, to the manner in which the notice had been given during his (Lord Mulgrave's) absence, and by which an insinuation had been made, and had gone forth to the public, that there was a want of communication between him and his colleagues; that he was acting in office with those with whom he had no common or ordinary communication; as rumour had thus got abroad, which had no foundation whatever in fact, he trusted there was no act of his life that could induce a belief, that he would act officially with those with whom he had not a common and ordinary communication. He must therefore complain of the insinuation thrown out by the noble lord in giving notice of this motion on a former evening, which he could not but consider as an impropriety. With respect to the motion and the ground on which it was made, he thought it was unbecoming the dignity of that house of parliament, and of the country, to make anonymous squibs in a newspaper the foundation of a grave and solemn proceeding. (It was observed across the house that the charge was not anonymous, but was contained in an official document signed by the Duc de Cadore.) Be it so,

said Lord Mulgrave, I have not seen the document, but am still of opinion that no proceeding ought to be instituted. I have, however, a most material objection to state to this motion, which the noble lord has anticipated, but which I must still urge, namely, that the expectation of an exchange of prisoners is not at an end. He trusted, therefore, that their lordships would be convinced of the impropriety of calling for information under such circumstances, which could only be productive of extreme embarrassment and mischief. The noble lord had spoken of one point urged by the French government, which was wholly inadmissible; and surely nothing was more likely to induce that government to persist in an inadmissible demand, than to publish that it had been urged, as they would thereby become, as it were, pledged to insist upon it. It would not, of course, be discreet for him, under the circumstances he had mentioned, to enter into any detail upon the subject, and he regretted that the motion had been made; he thought it might possibly tend to put an end to the negotiation, at all events it must be injurous to its progress. In such a negotiation there might be many points respecting which publicity might be highly injurious to the object in view; and he trusted the house would see the impropriety of calling for information upon a subject which was now under negotiation, and respecting which information could not be produced without great mischief.

Lord Holland said, the noble lord had unjustly accused him of impropriety. He never made the insinuation with which he was charged by the noble lord. What he alluded to was, the disgraceful concealments which it was notorious had taken place amongst his majesty's ministers. As to what the noble lord had said of anonymous squibs, it did not at all apply; because in this case the charge against ministers was made in an official document, signed by the Duc de Cadore, and addressed to the Baron de Roell, minister of foreign affairs for Holland, with which, however important as it was, it appeared the noble lord was wholly unacquainted. As to the point of the Hanoverians, he believed it had been given up by the French government. The noble lord had argued as if he (Lord Holland) had charged an unnecessary delay in the negotiation of an exchange of prisoners. What he alluded to was, the refusal or the delay in accepting the proposition

for sending commissioners to Morlaix to treat for the exchange. As to the objection that it was beneath the dignity of parliament to notice such a charge, it was completely done away by the precedent of 1797, a committee of the house of commons having been then appointed in consequence of an anonymous charge in a French paper, that the French prisoners in this country were ill-treated.

The Marquis of Lansdowne also commented upon the strangeness of the argument used by the noble lord (Mulgrave) respecting anonymous squibs, when it was proved to be an official document, and of the existence of which the noble lord, one of his majesty's ministers, appeared to be utterly ignorant. The noble lord had stated the pendency of the negotiation, but he had carefully abstained from mentioning dates; and, notwithstanding the serious charge made by the French government, the noble lord had evaded giving any contradiction to it. What, then, was to be inferred, but that something remained behind which his majesty's ministers were afraid of disclosing.

The Earl of Liverpool thought that the speech of his noble friend was perfectly satisfactory. In all the proposals on the subject of an exchange of prisoners, that had been made from France since the Revolution, there had been manifest injustice. The enemy always set out on a basis totally inconsistent with the principles recognized by all nations; and it was only by tedious and difficult negotiation, that they could be prevailed upon to depart from them. With respect to the charge preferred by the noble marquis, that a plain answer had been refused to a plain question, his noble friend felt it his duty to oppose the papers moved for, because they tended to take the negotiation out of the regular channel. Their lordships would not fail to perceive the very great disadvantage, nay the absolute mischef that was likely to arise from discussing this subject while it was under consideration elsewhere. He would admit that there were various communications on this very subject, during the period alluded to. The noble baron did not appear to understand the nature of the proposals which he supposed to have been made. If he did he would know, that it was possible the proposed basis of negotiation might be so unjust as to render it inadmissible at the very outset, or that it might be so objectionable in parts as to render previous explanation necessary. He considered the motion to be both very ill judged, and in-

jurious in its consequences, if granted. It would have the effect of embarrassing instead of facilitating the negotiation. It would commit a government on points of great delicacy, and would not attain the end proposed.

Lord Grenville could not consider the explanation given by the noble baron, or the noble earl who spoke last, as any way satisfactory. It was deficient in frankness and candour. There was something behind, something concealed in it. We were now for the second time involved in a war, which it seemed was to be carried on so far as depended on the determination of ministers, in horrid violation of the usual courtesies of that dreadful state, what had been the proud boast of this country, up to this day. That it did on all occasions every thing to suspend the cruelty of war; that no opportunity was neglected to try to bring it back to the semblance of what it was in former times. This was the state to which it seemed his majesty's ministers were averse to bring the contest between us and France. The noble baron said, until that night he was ignorant of the document signed by the Duke of Cadore. Why was he so? Was it not his duty to have become acquainted with the contents of a state paper that was in every one's hands, and that embraced a charge against that department of which he was the head? The French government had accused his majesty's ministers of rejecting a proposal for an exchange of prisoners of war. If this accusation be made on just grounds, then the British government, for the first time, might say, we are the cause that this dreadful practice continues; we are the cause that thousands of our countrymen are starving and languishing in French prisons, from which they might be released, were it not from our neglect of impracticability. As to the argument that no information could be afforded on this subject without prejudice to the negotiation that was pending, he could easily shew, from what passed at a former period, that no inconvenience could possibly arise. In the year 1797, a charge appeared in a French paper, respecting the improper treatment of the prisoners in this country. What was the conduct of that great man (Mr. Pitt), whose name was so often quoted on the other side, on that occasion? He proposed that the charge should be submitted to a committee of the other house; not that he or any person in this country could possibly entertain a doubt of the falsehood of the accusation, but for the purpose of satisfying all Europe, by a re-

port and resolution of parliament, that it was wholly unfounded. That resolution was adopted by the house, and an address was voted to his majesty, praying him to take the necessary steps to communicate a positive denial of the accusation to all the princes and potentates with whom he was in friendship and alliance. How did the government now stand? Here was a solemn charge, made in a paper coming from one of the highest official authorities in France, which charge was suffered to spread throughout Europe unrefuted and uncontradicted. Instead of disavowing an imputation so unworthy of the national character, and so contrary to its practice in other periods, the person most interested rose with a levity ill suited to the occasion, and eluded the charge instead of meeting it fairly. The explanation of the noble earl was not less equivocal and evasive. They came to their lordships with the stale and hackneyed pretence that any information on the subject would be productive of disadvantage. The noble baron and his colleagues might elude the motion for the present, but the information sought for must be disclosed, and if it was of the nature asserted, and that he had reason to expect, he hoped the vengeance of parliament would follow. A charge highly injurious to the humanity of the British government had been made, and not repelled, as it ought to have been. He hoped the house would agree to the motion.

Earl Grey observed, that the ministers had not taken upon them exactly to say that the negotiation was pending, but merely that all expectations of an adjustment as to the exchange of prisoners had not ceased. The French said positively in an official paper, that they had made an overture for the exchange of prisoners, and that it had been rejected by this government, and this they said, their lordships would observe, without being contradicted. (*Hear, hear!*) It was important for the character of this country that this should be explained. But a noble lord on the other side dwelt upon the objection to the production of this information pending a negotiation. He denied that the discussion upon a cartel for the exchange of prisoners was to be assimilated to negotiations relating to commerce and other matters. The principles upon which such a discussion rested were few, and had been settled by the established law of nations; and the reasons for scrupulous concealment during the progress of a ne-

gotiation of a different kind, did not at all apply to this. What was the difficulty? There was nothing more to do than this, to state whether or not it was correctly stated in the Moniteur, that a fair and equitable proposal for an exchange of prisoners had been made to this government, and that it had been rejected by the ministers of this country. This might be done without at all disclosing the particulars of the negotiation, or of any disputes that might exist between the two governments. But even if there did exist a difficulty, was there no way of getting rid of it? Might not a secret committee be appointed, as had been done by the commons in 1797, when the charge of inhumanity was preferred by the French? But then they said that that was a case of humanity merely. And was not this too a case of humanity? Was it not a case of humanity, whether a cartel for the exchange of prisoners, on which the happiness of so many depended, had or had not been improperly rejected? But the report of 1797 proved, that not only the question of humane treatment, but also that of the difficulties as to the exchange of prisoners, had been referred to the committee; and therefore there was an end of that objection. The character of the country had been till now unimpeached on this subject, and it was the duty of the house to take care that it should continue so. If he rightly understood what had passed, and he pretended to no more information than what any peer might obtain, the four points on which the difficulties had arisen had been in some measure conceded, and that a proposition had been made, to which it was the duty of government to have paid every attention. He asked, whether or not this was the fact? Thus came the objection upon the point of dignity. The dignity of the house could not in the least be compromised by paying the proper attention to an official paper of the enemy. But in order to get rid of this objection, he would request of his noble friend to withdraw his motion upon either of two conditions—1st. That the noble lord opposite (Mulgrave) should state positively, whether a fair propostion had not been made by the French government, and when it had been made; if at all, what was the answer, and when it had been given; in short, whether any improper delay had taken place on the part of this government? 2d, That the matter should be referred to a secret committee, who might report, as in 1797. The

noble lord might take either of these courses he chose; and this proposition he thought would put the sincerity of ministers to the test. With any thing short of this neither their lordships nor the country could reasonably be satisfied. It was their lordships' duty to themselves; it was their duty to the character of their country; it was their duty to the enemy; it was their duty to the prisoners on both sides; it was their duty to the relations of these prisoners, many of whom might be at this moment in the utmost want of the assistance of their imprisoned friends, to insist that ministers should accede to the very reasonable proposition which he had just submitted to them.

Lord Mulgrave said, that he was not disposed to assent to the proposition. (*Hear, hear!*) They would be ready to answer for their conduct when the whole matter came regularly before the house; but he could not agree to give up the duties of the executive government to a secret committee. But he had no objection to state, that the proposition of the enemy had not been evaded, and that the matter was still pending.

Lord Holland said, that he would have agreed to the proposition of his noble friend if it had been accepted. But the noble lord opposite, it ought to be observed, had made no answer to the charge of delay. And as to the other proposition requiring only the dates of communication, his high spirit disdained to stoop to what Mr. Pitt had done in 1797. (*Hear, hear!*) Lord Holland then declared, that when he brought forward this motion, he really had hardly a doubt that the ministers would have been able to give a plain and candid answer, and he thought that they would have considered themselves as under some obligation to him for having brought the subject under discussion. But the manner in which it had been met raised a vehement presumption, that they themselves were conscious that there existed matter of most serious charge against them. They might, perhaps, lull themselves in security from their hopes of a favourable vote from the house, but the country would not be satisfied. But he would propose another test of their sincerity. The dates of the communications could give no improper information even upon their own statements. If they would agree to give the dates, he would restrict his motion to them; if not, he would put the original motion. He

read his motion for the dates of communications on this subject from the first of September last.

The original question being about to be put,

Lord Grenville moved, that the part of the proceedings of 1797, containing the matters referred to the secret committee; their report upon them; the request to his Majesty to communicate the report to other governments in amity with this country; and his Majesty's answer, that he would communicate accordingly, should be entered on the Journals immediately before the present question. (*Hear, hear!*)

Lord Liverpool did not object to the entry, but maintained that Mr. Pitt would have made no reference to a secret committee in 1797, if a negotiation had been pending at the time.

Earl Spencer replied, that the noble lord had an opportunity of satisfying himself on the point; but that to the best of his (Lord Spencer's) recollection, a negotiation for an exchange of prisoners was actually pending at the time. (*Hear, hear!*).

The original motion was then put—

Contents 27—Non-contents 39—Majority against the motion 12.

During the exclusion of strangers, we understood that the second motion, being for the dates of communications, had been put. When strangers were admitted,

Earl Spencer was arguing, that there could be no objection to the production of the dates—which would shew whether or not there had been any delay, without disclosing any particulars of the negotiation.

The Earl of Essex contended, that when the ministers refused to listen to so reasonable a proposition, there was strong reason to presume that something was wrong; and it was the duty of their lordships to take care of the character of the country.

Lord Mulgrave affirmed, that this motion, though apparently simple, was a most artful one, calculated to take the management of the business out of the hands of the executive government. As to the question of delay, it was impossible at present to give a direct answer to it; (*hear, hear!*) for though the dates might shew what, at first sight, might be considered as delay, the matter might be explained by the documents themselves. These could

not be produced till the termination of the negotiation—and the dates could not form a proper ground for any proceeding.

Earl Grey said, that if the question was artful, the noble lord's speech in one part was plain and ingenuous; for to the question of delay, he flatly refused to give any answer at all. He contended, that the dates might afford some ground of proceeding.

Lord Liverpool, as far as his recollection went, thought this mode of calling for dates, before the documents themselves were produced, was unprecedented. The dates, besides, could afford no ground of proceeding.

Lord Holland contended that they might, and put the extreme case, that it might appear that a proposition had been made on the 2d of September last, and not answered till now. No one could doubt that this would form a good ground for further proceedings.

Lord King asked the ministers, who had refused to grant the communication of the terms and circumstances of the negotiation, upon the ground of its being still pending, and who had resisted the communication of the dates, upon the ground of such information being insufficient to furnish materials of any proceeding, Whether they would promise to communicate the facts or dates now withheld when the negotiation stated to be pending was closed?—To Lord King's question no answer was given.

Lord Derby supported the motion, and observed, that the opinion of the country would be in its favour whatever might be the decision that night. He then made an allusion to the strangers at the bar, in consequence of which,

Lord Morton moved the enforcement of the standing order for the exclusion of strangers.—Strangers were accordingly excluded, and not admitted again during the remainder of the discussion.

A division, however, took place, we understood, upon the second motion, and the numbers were—

Contents 29—Non-contents 38—Majority against the motion 9.

Earl Grey, we understood, then moved,

"That a secret committee be appointed to inquire into the causes which have prevented the establishment of a cartel, for a general exchange of prisoners between this country and France."

A division took place—

Contents - -	29	Non-contents - -	40
Proxies - -	35	Proxies - -	56
Total -	64		96

Majority against the motion 32.——Adjourned.

HOUSE OF COMMONS.

THURSDAY, MARCH 22.

Mr. Hase, from the bank of England, presented certain accounts of the issue of specie by the order of government from the bank of England, and the respective dates of said issues, from the year 1804, down to the latest period. Ordered to lie on the table.

THANKS TO SIR ROBERT WILSON.

Mr. Hutchinson began by observing, that after the angry and hostile discussions which had occupied a great portion of the present session, it was with much satisfaction that he rose to address them on a subject, upon the main point of which there was not likely to occur any difference of opinion; for he felt confident that there would exist but one, within and without their walls, as to the merit of the gallant officer, and the small corps, whose services it had fallen to his lot to submit to the consideration of the house. There were two questions of which he begged gentlemen, on the present occasion, if possible, to divest their minds:—the one, the perilous situation of Spain and Portugal at this moment; the other, the wisdom or impolicy of having at all (or in the manner in which we have) interfered in the war in these countries. We are not to undervalue the importance of military services achieved in the Peninsula, from their having failed in rescuing it from the grasp of the enemy—that is, from their not having succeeded in accomplishing that which no rational, certainly no military, mind could have expected from such means. Neither are we to consider ourselves as pledged to approve the principle of the war, because we confer the distinguished honour of the approbation of this house upon the troops employed in that service. There was nothing further from his intention than to depreciate, by invidious comparison, the merit of any officer, however humble or elevated his rank. He had long been

greatly anxious to find this country disposed at last to make what might be considered a fair military exertion—such as, he was sorry to say, he could not agree had been attempted, even since the commencement of the war in 1793. With this feeling, he had been desirous to see at the head of the country a government both willing and capable of calling forth and directing such energies. With whatever jealousy he should feel it to be his duty towards any government narrowly to examine into the policy of all such expeditions, their objects, and the means employed to effect them, and certainly never more disposed to scrutinize than at the present moment; still entertaining a small esteem and regard for the profession of arms; estimating highly the zeal and value of our troops in both services; recollecting that they seldom or ever fail to accomplish their part in the most brilliant manner; being also ready to make due allowance for the embarrassments under which government plan and direct such operations—with this disposition, he had come to the consideration of such questions, but with the most anxious wish to applaud and reward. As to the present one, he hoped it will be decided solely by its own merits.

Sir Robert Wilson having arrived at Oporto in September, 1808, was enabled, by the December following, to raise, arm, and discipline a corps, called the Royal Lusitanian Legion, with which he took the field within the short space of three months, having previously obtained, for his zeal, alacrity, and talent in organizing this corps, and for his earnestness in the public cause, the confidence and approbation of the government of Oporto. In December, being apprized of the defeats which the different Spanish armies had sustained, and of the alarm which very generally pervaded Spain and Portugal, he decided upon advancing towards the frontier, and, having crossed the Daneo, took up a position in the province of Salamanca, where the enemy shortly arrived with a corps, which at last amounted to about 12,000 men, and which, at all times, was more than double the force of Sir Robert Wilson, whose corps never exceeded 3000. Without entering into a detail of operations in this quarter, one cannot avoid admiring the boldness and judgment with which this forward movement was conceived and executed. The ever to be lamented Sir John Moore had but recently sealed by his death his victory at Corunna; his brave troops

had already reached the shores of Britain. The few scattered English regiments which remained in Portugal, had hastily been concentrated at Lisbon, expecting hourly to be obliged to abandon the country, at the distance of nearly 200 miles from Sir Robert Wilson, whose fate they awaited with the utmost anxiety, and whose daring conduct they could not but view with admiration. It was at a moment thus critical and appalling, that he came to the decision of affording a signal example of undaunted firmness to the Portugueze and Spanish nations, and at the most imminent risk interposed his small corps to the further progress of the enemy in that quarter; when, by a most judicious disposition of his troops, he was enabled effectually to deceive the enemy as to his great inferiority of numbers, and by frequent well-timed, continued sallies, as by the most gallant defence of posts, he kept him much on the alert—foiled his projects—withheld a part of a province abundant in resources, and kept open the communication between the northern and southern provinces of Spain. At the latter end of April, General Laplisse, who commanded the French corps in Salamanca, having moved upon the Aguida, in order to combine a movement with Marshal Soult, at that time advancing in another direction upon Oporto, was driven by Sir Robert Wilson from the bridge St. Tipics, on that river, which he had occupied, as opening his march into Portugal. It happened, however, that this general, shortly after, abandoned his original plan of moving on Oporto, and proceeded to the southward to join Marshal Victor. During his progress, he was pursued and harassed by the legion with some loss; but the junction with Victor was effected. Sir Robert Wilson now received orders to join Lord Wellington, which he did, having first placed his corps in a very strong position at Alcantara. And it is but justice to the corps to mention, in passing, that, commanded by Colonel Maine, in the absence of Sir Robert Wilson, it gallantly and successfully defended itself when attacked at Alcantara, by a very superior force under Marshal Victor—for this spirited conduct, Colonel Maine and the corps received the thanks of Marshal Beresford. (Here the honourable gentlemen read the thanks from the Gazette.) Having joined Lord Wellington, Sir Robert Wilson was entrusted with the command of the van of Marshal Beresford's army, and although that part of the allied

army had not an opportunity of coming up with the enemy, he received the thanks of the marshal for the manner in which he had conducted the advance. Upon the expulsion of Soult, Sir Robert Wilson again reassumed the command of his legion, and, with the rank and emolument of brigadier-general, composed the advance of Lord Wellington's army on his march to Talavera. Here he should merely state, that at one moment of that advance, Sir Robert Wilson was within three leagues of Madrid, having had frequent skirmishes with the enemy, who, by their own dispatches, appear to have been considerably alarmed by the movements of this corps. (Here the honourable gentleman read several passages from the Moniteur, to the above effect.) From this point he was recalled, in consequence of the expected battle of Talavera, and by forced marches he was enabled, early in the action, to take up a position in the rear of the enemy—a position of considerable risk to himself, as the whole of the French force intervened between his small corps and the allied army; but one from which he could have considerably have annoyed them, had they retreated in that direction. Afterwards, by a movement along the enemy's right flank during the night, he succeeded in joining lord Wellington early in the morning of the following day. Gentlemen are aware that, by his lordship's dispatch, it appears that the enemy did not retire from the position which he had occupied after the battle of Talavera, till towards the end of the second day after the action, and his retrograde movement then may be attributed to a manœuvre ordered by Lord Wellington, and undertaken by Sir Robert Wilson at the head of his corps, by which, in a masterly manner, he threatened the enemy's flank, as appears from the French accounts—(which the honourable gentleman here cited from the Moniteur). The importance to the allied army of this retrograde movement, on the part of the enemy, needs no comment. Immediately after, Lord Welling on having retired from Talavera, in the hope of destroying Soult's corps, in which expectation he was disappointed by the advance of the French army under Joseph Bonaparte, Sir Robert Wilson being again separated from the allied army, and compelled to make a circuitous retreat through a difficult country, fell in with (in the passes of Banos) one of the French divisions, where, though ultimately defeated, he very gallantly dis-

puted the passage of the enemy for several hours. The best commendation of the conduct of his corps, and of his own personal exertions in that action, will be found in the enemy's report of that affair. (Here the honourable gentleman read the account of the battle of Banos, as given by the enemy, the Duke of Elchingen.) This action, it is material to observe, Sir Robert Wilson might have avoided, for he had already passed the road by which the French had to advance, and being apprized of his approach in this quarter, he retraced his steps, and interposed himself to the march of this corps. In this conduct the house will discover the same mind which actuated Sir Robert Wilson during the whole of his operations in the province of Salamanca. We knew he had not the means of giving effectual resistance to the enemy, but he felt also that he could embarrass and retard him. That some estimation may be formed of the importance of the general services of this officer, he begged leave to state, that the government of Oporto made him a very liberal offer of a pension of 1000*l*. a year, which, with great propriety, he declined, and of this circumstance the late secretary of state is fully apprized. By his advance upon Almeida and Rodrigo, he rescued stores and property to a considerable amount; and by his advanced position, contributed to prevent the speedy evacuation of Portugal. He (Mr. H.) had thus, with as much brevity as the nature of the subject would admit, put the house in possession of the services of this gallant officer and his corps. They have already received the unqualified approbation both of the Spanish and Portugueze governments, as also of our ministers, both in the Peninsula and at home; and he begged leave to add, as a most flattering and decisive proof of their merits, that it has fallen to their lot to make prisoners of French officers, upon whom had been conferred brevets of the legion of honour, for their conduct against Sir Robert Wilson and his corps.

I hope, said Mr. Hutchinson, I shall not be told, that there is no precedent for what I ask. I answer that the times require we should make one. Why have you thanked for the victories of Vimiera, Corunna, and Talavera? Not because they beat down the power of France, or rescued your allies from her grasp. Neither did you send forth these small corps, comparatively, to the force with which they had ultimately to contend, most inade-

quate, with the hope of expectation that they could have restored the balance of power, or driven France within her proper limits. It was for the example that you sent forth your chosen few. Sir Robert Wilson felt this, and admirably well acted up to your own principles. I have not called the attention of the house to the services of an officer young in campaigning, or inexperienced in the toils and perils of war; for though yet young, Sir Robert Wilson has passed seventeen years in almost constant, certainly very active and distinguished service, which he has ever ardently sought, even in the most distant and unfriendly climes. I entertain no prejudice; I join in none of the vulgar calumnies against the great ruler of the French nation, who I consider as the greatest statesman, and the ablest general of ancient or modern times; and I highly esteem the nation at whose head he has had the good fortune to be placed. I make this declaration, in the hope that the opinion which I am about to give, may not be ascribed to that besotted illiberality, unfortunately too prevalent. I have little doubt, then, that should it please Providence to continue Buonaparte a few years longer, in the possession of that power which he has hitherto wielded, but to the destruction of his enemies, and which power is every hour increasing in a most alarming degree, we shall have to contend with him for our very existence as a nation. I am therefore convinced that it is our first duty, and consistent with our best interests, to cherish and encourage, nay, studiously to seek out talent and military enthusiasm, wherever they shall manifest themselves. With this impression deeply engraven on my mind, I feel it to be my duty, not more towards the gallant officer than to the empire, to make the statement with which I at present trouble the house, and which, when gentlemen recollect the times in which they live, will, I trust, not be considered inopportune. Mr. Hutchinson then concluded with moving the thanks of the house to Sir Robert Wilson, for the skill and valour displayed by him in the battle of Banos, and for the general tenor of his gallant services in Spain, &c. &c.

The Chancellor of the Exchequer expressed a most anxious wish that the honourable gentleman would see the propriety of withdrawing his present motion; that gentleman had himself confessed in the course of his speech, that the measure was altogether unprecedented. He was afraid

that that objection was in itself insurmountable. The merits of Sir Robert Wilson's services could not for a moment be disputed; as far as they went they were deserving of every encomium, as evincing, in no ordinary degree, zeal, skill, enterprize, conduct, vigour, promptness, valour, perseverance, and, in short, every military excellence; and would the honourable gentleman put the house under the unpleasant and distressing necessity of putting a negative upon a vote of thanks to so meritorious an officer? Great as the services were in themselves, he was apprehensive that their scale was such as to debar them from the honour proposed. Of all the successes in Spain, Talavera was the only one which was thought worthy of the distinction of the thanks of that house, and even with respect to that splendid service, there had been a difference of opinion with respect to the justice of its claims. He trusted that the honourable gentleman would be prevailed on to withdraw his motion, otherwise he (Mr. Perceval) would be reluctantly compelled to give his vote in the negative.

Mr. Canning followed on the same side, and said, that the general practice of the house precluded the possibility of admitting the present motion. It could be proved from many instances, that the splendour of the service was not enough, unless it came within a certain description of service. The eminent services of the cavalry preceding the battle of Corunna, were not thought worthy of that distinction, because they could not be recognized as having been engaged in the battle itself. The passing of the Douro was another very brilliant achievement, which, however, did not come within the precise description of service that called for the thanks of parliament, and a gallant officer still bore the painful but honourable marks of his personal bravery in that action. He need scarcely add that he meant General Paget. There had been an out-of-doors notion, as if there had been in any quarter a wish to undervalue the services of Sir Robert Wilson—this was altogether a mistaken notion; the words of Lord Wellington, in his dispatches, where he calls that officer "an able partizan," had been complained of—but the word partizan had not been made use of as a term of reproof—it was merely in a co-operative sense. He trusted the motion would be withdrawn.

General Tarleton agreed that the services of Sir Robert

Wilson were highly meritorious, and had been extremely useful to the country. They had been more instrumental, he was satisfied, in producing the retreat of the enemy than any other services which had been rendered. There were reasons, however, that made it difficult to pass a vote of thanks of that house for services of the description now alluded to, and withdrawing the motion, he thought, would be the handsomest mode of proceeding, after the declaration which had come from all sides, as to the merits of the gallant officer. The term partizan, he contended, was not one of disrespect. It implied a general in miniature, who, from being at the head of all his own services, was most likely to acquire a general knowledge. He agreed with Sir W. Erskine that this was the best field in which to train a general. He was satisfied that Sir R. Wilson would not be long in rendering additional services to the country, and that he would be one of the first to receive the thanks of the house.

Lord Castlereagh was of opinion, the services of Sir Robert Wilson in Spain and Portugal, had proved corroborations of his military character. He could not see, however, on what ground the house was to get the better of its general and established rule in such cases, or how it could depart from its usual course. The services alluded to were not of that description for which the house had been accustomed to vote its thanks. There was, however, another reason why, he conceived, the house could not agree to the motion; he was not an officer in our service, but in that of the Portuguese government at the time, and he was not aware that a British parliament had ever thought itself entitled to vote thanks to a subject of this country who was employed in the service of a foreign state. There could, he confessed, be but one opinion as to the services of Sir R. Wilson, and the zeal displayed by him on the occasion referred to. He had also the additional merit of forming a corps, which in the particular circumstances of Portugal, might greatly contribute to the service of the country. He was convinced, however, that the gallant officer would be the last person to feel gratified by the house departing, where he was concerned, from its usual practice. He trusted the honourable member would withdraw his motion, satisfied, as he must be, that on the merits of Sir R. Wilson there could be but one feeling in the house.

Sir James Hall said, to his mind the circumstance touched on by the noble lord, as an additional reason for not concurring in the present motion, arising from Sir R. Wilson's not being actually in the service of this country at the time, operated the other way. It might be an apology for a departure from the usual forms of the house. Such a proceeding might have the effect of rousing the spirits of men from whom much might be expected. If the honourable mover chose to persevere, he should, at least, not stand single.

Colonel Hutchinson felt gratified at the declarations made on all hands, as to the merits of his gallant friend. As, therefore, he could not get the house to go with him all the length he wished, he was content to take what he could get, and should, therefore, agree to withdraw his motion.—Withdrawn.

TREASURER OF POST OFFICE IN IRELAND.

Sir John Newport brought forward a motion founded on the 9th report of the commissioners for inquiry into offices in Ireland, as to the superannuation of the late treasurer of the post office in Ireland on his full salary, after having held the office for eight years, during no part of which time had he discharged any of the duties of it. This the report stated to be a violation of the rule laid down by the Irish house of commons, limiting the services of persons superannuated with their full salaries to those who had served twenty-five years; and the honourable baronet concluded by moving, that the late treasurer of the post office in Ireland, had no fair claim to such superannuation; that the allowing him to retire on his full salary, was a departure from the salutary rules laid down by parliament, and a dereliction of the principles of economy to which they were pledged.

Mr. W. Pole argued that this office had been a sinecure, and was abolished, as was usual in such cases, with the full salary, an efficient office being substituted in its stead. This, therefore, was not in the nature of a superannuation. He concluded by moving the previous question.

The motion of Sir John Newport was supported by Mr. Whitbread, Sir S. Romilly, Mr. Grattan, Mr. P. Moore, Mr. Giles, Mr. M. Fitzgerald, Mr. Barham, &c. And

the previous question by Mr. Perceval, Mr. R. Dundas, the Solicitor-general, &c.

On a division, the motion was negatived, the numbers being—

For the previous question -	52
For the original motion - -	31
Majority against the motion -	21

INFLUENCE OF THE CROWN.

Mr. H. Martin gave notice that he should the next day move for a return similar to that which had been made in the year 1780, for the number of offices, and the amount of the emoluments of each, in the patronage of the crown. This he should move for, with the view of ascertaining whether the influence of the crown had or had not increased since the motion of Mr. Dunning. The return would not cost so much labour as it must have required in the year 1780. There it was to go back to the year 1705. His motion should only be for the offices created since the year 1780. If it should be deemed inconvenient, however, to make the motion the next day, he should reserve it for some other day.

Mr. Perceval said, he should have no objection to it, for his part.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 28.

Mr. H. Martin moved, that an humble address be presented to his majesty, for a return of all the offices created since the year 1780, with their respective salaries, the dates of their first commission, and the names of the present holders.

After some conversation across the table, between Mr. Martin and the Chancellor of the Exchequer, the motion was carried.

INNS OF COURT.

Mr. Sheridan rose to address the house upon a subject which he felt to be of essential importance to the community. He had deferred it until he had been enabled to come forward with materials so strong that——

Mr. Windham interrupted the honourable gentleman. There was an order of that house, which could not be en-

forced at any time with more propriety than the present. The motion of the honourable member had, he understood, for its objects some considerations connected with persons present, though not in the *lower* part of that house. He probably intended to compliment them; but as it was not the custom to drink the chairman's health until he had withdrawn (*a laugh*), he would recommend that a similar movement should take place among those gentlemen.

Mr. Sheridan was surprized at the total opposition of the honourable member's (Mr. Windham) conduct, to even his own ideas of order. Nothing could be more disorderly than to enter into an argument, heavy and dull as it was, to prove the value of the standing order, at the moment when he professed that no argument was necessary.

The Speaker was of opinion that there should be no interruption of the honourable gentleman who commenced the debate, unless there was a fair proof of disorder, on a motion to be made.

Mr. Windham—Sir I have a motion to make.

Mr. Sheridan—Sir, I have also a motion to make, and the honourable gentleman's motion will probably come with more advantage after mine has been disposed of. (*A laugh.*) I am in possession of the chair; I have interrupted no order of the house; it is the interruption that is disorderly.

Mr. Speaker—I apprehend that no interruption can be allowed, except on occasion of a breach of order, or to move one of the standing orders of the house. On that to which the allusion has been made there can be no debate; it is of too much importance to the house to allow of its being made a matter of discussion on either side; if arguments were brought for it, arguments may be brought against it.

Mr. Windham then moved that strangers should be excluded, and the gallery was cleared.

[We have been favoured, by a few members of the house of commons, with the following sketch of the debate which took place on Friday last on Mr. Sheridan's motion, for referring to the standing committee of judicature the petition of Mr. Farquharson, complaining of an injudicious bye law lately passed by the benchers of the honourable society of Lincoln's Inn.]

Mr. Sheridan said, of all the people in that house he least expected the enforcement of the standing order, for

the exclusion of the public, from the right honourable gentleman who had come forward on this occasion. He expected he would have eagerly seized this opportunity to recant the false doctrines which he had formerly so unguardedly uttered, and become a convert to the true faith of the freedom of the press. He expected this candid and conciliatory proceeding, particularly as the right honourable gentleman had been so very zealous in the correction of his speeches, so very anxious as to the stress of his emphasis, and the modulation of his voice, and so studiously inquisitive as to the happiest attitudes for giving his sentiments a pantomimic effect. He was led, indeed, still more strongly into this expectation, which had been so fatally disappointed, from the information that he had made amicable advances to Mr. Cobbett, and entered into a fair treaty of conciliation. These hints he merely threw out for the consideration of the right hon. gentleman. Mr. Sheridan then professed his intention of not troubling the house at any length, which, indeed, could hardly be necessary, after the observations he had made respecting the subject of his present motion on a former night. He could assure his right honourable friend, Mr. Windham, that he should not indulge himself, as that gentleman had feared, in any declamatory invectives against the honourable benchers of Lincoln's Inn, or any glowing panegyrics on the gentleman who had just left the gallery. The case that he wished to bring before the house was one which seemed to him well to deserve the interposition of parliament; yet he should have been better pleased to have obtained his object, as he expected to have done, by the voluntary act of the honourable benchers, of whose bye-law he complained. He understood that the law was made unadvisedly, on a sudden application to them after dinner, when but a few benchers were present, and he believed that even those who made it were well disposed to repeal it, on further consideration of the subject. He knew that out of term they could not, in the regular course of their proceedings, meet for the purpose, but the matter in his opinion was weighty and urgent enough to call for an extraordinary meeting. At all events, he could not reconcile himself to any further delay in submitting it to the consideration of the house. The bye-law, which had been placarded by the order of the benchers in the common hall of the society, where the court of chancery sits, pro-

scribed a whole class of men, and fixed a stigma upon them, by declaring them to be unworthy of being admitted into an honourable profession. It was declared, that no man who had ever written in a newspaper for hire, should be allowed to perform his preparatory exercises, in order to his admission to the bar. If such a rule had formerly prevailed, it would have excluded from the bar many men who had been ornaments to their profession, and distinguished members of that house. He had a long list of such characters in his hand, but would not read it, lest it should seem indelicate or invidious; since the benchers of Lincoln's Inn, it seems, thought the cause disreputable, though in his own eyes it was the reverse. He might, however, without any danger of exciting any contemptuous feelings in the mind of his right-honourable friend, (Mr. Windham) mention a man whom he rather more than idolized, Dr. Johnson, as one who had written for periodical publications for hire, and had even written parliamentary debates, though without coming into the gallery to hear them. Here Mr. Sheridan related a well-known anecdote of Dr. Johnson, which had occurred at the literary club. Two speeches of the late Lord Chatham, or, to avoid the turn of a certain waggery that had been used, he would say, the great Lord Chatham, had been compared to the orations of Cicero and Demosthenes; but the question was, which of them resembled the Greek, and which the Roman orator; and this was referred to Dr. Johnson. The answer was, I do not know; but this I well remember, that I wrote them both. He might also, without offence, mention another departed character, lately high in the esteem of the house, and of his right honourable friend in particular, the late Dr. Lawrence, who also would have fallen within the present proscription, if it had formerly existed. He did not know whether the authors of this bye law confined their dislike to daily newspapers. Did it extend to weekly ones also? If so, why not to monthly magazines and quarterly reviews? If it reached so far as annual registers, their principle would stigmatize even Mr. Burke, who had written for a periodical publication of that kind, and been remunerated for his trouble. Of about twenty-three gentlemen who were now employed in reporting parliamentary debates for the newspapers, no less than eighteen were men regularly educated at the Universities of Oxford or

Cambridge, Edinburgh or Dublin, most of them graduates at those universities, and several of them had gained prizes and other distinctions there by their literary attainments. He again repeated, that he could mention a long list of public and professional characters of great respectability, to whom this illiberal proscription would strictly apply, but that he abstained from it for the reasons already assigned. After several other forcible remarks, Mr. Sheridan concluded by moving, that the petition of Mr. Farquharson should be referred to the standing committee of courts of judicature.

[We regret not being able to give a fuller account of Mr. Sheridan's speech; which, we are told, made a most powerful impression on the house.]

The Attorney-general opposed the motion, not on the merits of the case, from the consideration of which he professedly abstained, but because there was a legal remedy by application to the twelve judges; to prove which he read a case from Douglas's Reports, and, therefore, the interposition of parliament would, in his judgment, be premature and improper.

Mr. Windham rose to use the short monosyllable "No!" to every assertion made about him, except as to the correction of his speeches. Above all, he never had descended to any advance, or the slightest conciliation with Mr. Cobbett. He would now leave the subject to those who came for the purpose of discussing it.—(*He shortly after left the house.*)

Mr. Stephen said, that his connexion with the society of Lincoln's Inn, of which he had had the honour of being a member for thirty-five years, might alone have led him to take a part in the debate; but a particular consideration, known to many gentlemen around him, and of which he should probably put the house in possession before he sat down, called on him more strongly to express his sentiments on this occasion. He hoped nothing that might fall from him would be construed into any disrespect towards the benchers of Lincoln's Inn; he felt for them collectively, and as far as their characters were known to him, individually too, the most unfeigned respect. Among them he could reckon some of his earliest and most intimate professional friends; and he believed that men of more liberality of sentiment could not easily be found. But he must nevertheless freely avow his concurrence in

the views of the right honourable gentleman who made this motion, and declare, that he thought the regulation in question highly illiberal and unjust. He doubted not it must have proceeded from some hasty feelings, and would on due consideration be revoked. To fix a stigma upon a whole class of men, by shutting against them indiscriminately the door of a liberal and honourable profession, open to all the rest of their fellow subjects, was, in his judgment, quite unjustifiable, unless there were something in the common description which belonged to them, that implied of necessity a universal unfitness for that profession; or unless their exclusion by any other and fairer criterion could not be attained. Now it could not be alleged, in the case of admission to the bar by the law societies, that there was no power of ascertaining the qualifications of students applying to be called, and inquiring, if it were thought fit, into their past character and conduct. Already the standing regulations required that every gentleman, before he could perform his exercises, or, if he remembered right, before he even entered into commons, must produce a certificate from a practising barrister of the society, that he was qualified in point of character for the profession of the bar: and prior to his being actually called, he must have a like testimonial from one of the benchers themselves. If these precautions were not sufficient, further and stricter ones might be framed, so as to scrutinize effectually into the moral and intellectual character of every individual candidate for admission, without branding the class of fellow subjects to which he had belonged. There was not, in this case, therefore, such an apology, as necessity or strong reasons of public convenience might afford, for a general rule of exclusion. Was it then the principle of this regulation that persons who had at any time written for a periodical press, and not written gratuitously, were, as such, universally unworthy of admission into an honourable profession? a reproach in which Johnstone and Hawkesworth, Steele and Addison, would have been included, was surely more likely to reflect disgrace on its authors than its objects. He was at a loss for the distinct views on which such a prejudice against persons writing for newspapers could be founded. Was it supposed that persons of that description were always destitute of education and liberal sentiments, or were, in point of origin and connections in life,

if those were material circumstances, unfit for the society of gentlemen? Without admitting that writing for the periodical press, though a man's original occupation, and however long persevered in, would constitute any disparagement, cases might be put, in which, from accidental circumstances, a gentleman, originally destined to the profession of the law, might have been driven to engage in such an employment as a resource for his immediate subsistence, and continued in it, perhaps, but for a brief period, without much interruption of his professional studies, and yet by this harsh rule, his return to his professional path would be for ever cut off. I will, for instance (said Mr. Stephen) suppose a young man by family and education a gentleman, and from his earliest years designed for the legal profession, to be a member of Lincoln's Inn, regularly prosecuting his studies as a lawyer, and to have arrived at within a year and a half of the proper standing to entitle him to be called to the bar, when, by the death of his parents, and previous family misfortunes, he finds himself totally deprived of all present means of support. The resource which he might have found in the aid of near relations, is pre-occupied by fellow orphans, who from their sex and tender years, are more helpless than himself, or perhaps he finds his heart too delicate or too proud for dependency. He has confidence enough in himself to think that when the time comes that he can put on the gown, he shall find in it an ample resource. But what expedient can he possibly explore in the mean time for his subsistence? In this emergency, a literary friend, a man of character and honour, connected with one of the periodical prints, proposes to our young law student that he should undertake, as a temporary expedient, to conduct, for a liberal remuneration, one of the departments of his newspaper in which there happens to be a vacancy. He proposes, for instance, that of reporting the debates of this house; can it be doubted, Sir, that if the rule now in question had not existed, such an offer would be joyfully accepted? Let us suppose it, then, to be so. During one session, our young student reports the debates of this house, and performs what he finds an arduous duty, with satisfaction to his own heart, recording honestly and impartially the deliberations of parliament, for the information of his country. At the end of a single year, he finds himself enabled by

the death of a relation, and its consequences, to resign this employment, and resume his professional path, and he is grateful to Heaven for an intermediate occupation, which had not only rescued him from dependence and want, but improved his qualifications for future success at the bar. But when he petitions the bench of this society to be called, how sad would be his disappointment, how cruel would be his humiliation and distress, to find that this inexorable rule of the society has given a death-blow to his new-born hopes! How would his mind be stung when told that the expedient which he had regarded with self complacency as his honest refuge from dependency and distress, had covered him with indelible disgrace, and for ever barred against him the door of an honourable profession? Sir, (said Mr. Stephen) I can conceive better than I can express what would be the anguish, and what the indignant feelings of such a man as I have described, on such an occasion. But I may be thought, perhaps, to have stated an imaginary and highly improbable case. No, Sir, it is not so. The case that I have described, is not imaginary; it really did exist; all but the rejection, which did not take place, because no such rule as that in question had then been made. In other respects the case is real. Thirty years ago, it was the case of the individual who has now the honour to address you. (*Repeated cries of Hear! hear!*) When the cheers of the house had subsided, Mr. Stephen proceeded to say, "I feel, Sir, not at all abashed at this avowal. It is an incident of my life, which I am much more disposed to be proud of, or let me rather say, to be grateful for, to a kind disposing Providence, than to blush for. I should indeed blush to be supposed to be ashamed of it. I do not believe, that any gentleman in this house, or in my profession, will think meanly of me on this account; but should there be such a man, I hope I shall never hear of it, for I should be tempted to hold him in more contempt, than it is allowable for us frail beings to feel for any of our fellow mortals." Mr. Stephen went on to state, that his own case was by no means too favourable a specimen of the class of persons who were his contemporaries in the same employment. He could recollect about eight or nine of them, and of these he did not know one, whose subsequent conduct in life reflected any discredit on his former occupation. He believed only one of them still

continued connected with any periodical press, and that was a gentleman to whose character his testimony was not wanted, as he was well known and esteemed by many members of that house; and reckoned among his friends one of the first characters of the country. He meant the editor and proprietor of *The Morning Chronicle*. Of the rest, five or six had been called to the bar; and he never heard that any of them had been supposed at all to discredit his profession. One had been since very eminent in the courts of our sister island; another had made a fortune in the colonies, and had since held a situation of honour and confidence under the crown; a third had retired from the English bar on the acquisition of a private fortune, before his very eminent talents, natural and acquired, had time to be known in his profession. He was now, alas! no more; but this he would say of him, that no man he ever knew in his very varied walks in life possessed a nicer sense of honour and integrity. The last he should notice of them, and whom he might without impropriety mention, was long a member of that house, and the very intimate friend of the right honourable gentleman who made this motion; he meant the late Mr. Richardson. He must add, with gratitude, that to his kindness, under Providence, he was indebted for that seasonable resource in misfortune, to which he had lately adverted. Mr. Stephen added, that, with a single exception or two at the most, he did not know who the gentlemen were that now conducted the department of the newspapers, in which he and the friends he had alluded to were once employed. He could not speak, therefore, from any private partiality to them, and was confident that such members as took the trouble to observe how his speeches had in general been reported, would not think he was much in their favour; but it was the profession or employment itself, not the individuals who now or at any other time filled it, that he thought it his duty to defend against an unjust proscription; and it could be hardly thought that there was any thing essentially degrading in the employment itself after the facts which he had mentioned, in addition to those which had been alluded to by the right honourable mover of this question. For his part, indeed, he could not see what there was more disparaging to a gentleman, or a man in a liberal profession, in reporting the proceedings and debates of the legislature, than in reporting the judgments

of a court of law. Mr. Stephen then proceeded to argue against the regulation in question on grounds of public and constitutional policy. To fix a stigma on any class of men, and degrade them below their fellow subjects, by exclusion from a common privilege, was the surest way to make them disaffected to the state. Such, at least, must be the case, when the ground of exclusion was an impeachment of their moral or honorary character. But if such oppression was to be introduced in this land of freedom and equality, at least we should take care not to select, as the victims of it, a set of men who had so much political power in their hands as the conduction of the periodical press. The military profession was every where held honourable, and to degrade it would be felt by every body to be in the last degree imprudent and dangerous; but he would be bold to say, that the military had not more the fate of the country in their hands under despotic governments, than the conductors of newspapers had in this kingdom. Against their united and systematic hostilities, the constitution could not long stand. To sanction an innovation therefore, that would tend to raise an *esprit du corps* among them universally against our public establishments, would be to aggravate greatly the dangers of the country. As a friend to the liberty of the press, he deprecated such a precedent; for the press would soon become dangerous and obnoxious, if it was to fall into the hands of degraded and disaffected characters. It was in this view chiefly, that he thought the interference of parliament justifiable, if the perseverance of the benchers should make it necessary, notwithstanding the arguments of the Attorney-general. It was not a private or particular case, to be redressed by appeal to the judges, but a case of general and public mischief, fit for the presiding wisdom of parliament, as the guardian of the public weal, to notice and correct. He regarded such stigmas on a particular class or cast of men, in any society, as cruel and mischievous in another view. If they did not find men worthy of contempt, they would soon make them so. Degrade any portion of society, and you will infallibly reduce its moral character, till it seems deserving of the ignominy to which it has been unjustly subjected. He had lived long in a part of the world which furnished a striking proof of this remark; and there was nothing more odious in a contemptuous oppression, than its corrupting effect on the minds

of its unfortunate victims. If this were so when the badge of degradation was the colour of the skin, or some other subject of public contempt which the individuals derived from nature or some other unavoidable source, how much more when entering into the degraded cast, was matter, not of necessity, but choice. Men would not choose an employment proscribed as dishonourable, unless their moral character were already corrupted. Were we prepared then, at once to maintain the liberty of the press, and to say that its conductors should hereafter be men so low in moral and honorary sentiments, as to choose an ignominious employment. Mr. Stephen further said, that to select the popular, open profession of the bar, as the only subject of this degrading disfranchisement of a portion of the commons of England, was peculiarly improper and strange. That profession was in a pre-eminent manner the patrimony of the people at large; and to it indeed they owed, more than to their parliaments, that general equality of rights, and exemption from all aristocratical oppression, which it was their distinguishing happiness to possess. The courts of law, by their liberality, had abolished that distinction of casts, which, in the times of villanage, degraded a great majority of our ancestors, and excluded them from liberal professions. It was a blessing which the people of England owed to their lawyers, and it was singular that a departure from the principle of constitutional equality, should in these days begin in the same profession. He could not help suspecting, in this regulation, a latent principle of aristocratical pride and contempt for poverty as such; for why otherwise should the restriction apply only to those who wrote for emolument? If the act of writing for the newspapers was immoral or dishonourable, he did not see how the doing it gratuitously could redeem the act from reproach. Certainly it was presumable that those who exercised such an employment for gain, were not in affluent circumstances; but if poverty or humility of origin were to become reproachful in the inns of court, many a proud scutcheon which now ornamented their walls, must be taken down. In other professions, as the church, or army, hereditary claims or fortune might facilitate preferment; but at the bar, a profession which was a much more frequent road to rank and fortune, no such extrinsic advantages were of any avail. On the contrary, it was proverbial, that a necessity arising

from poverty in the early part of life, was almost the only source of splendid success at the bar. It was the most amiable and valuable fruit of our happy constitution, that every path of honourable ambition was open to talents and industry, without distinction of ranks; but in the law, especially, the strongest examples of the happy effects of this equality were to be found. On the whole, therefore, if we were to begin to form proscribed and degraded casts in this country, he thought we should, at least, not begin the innovation in the profession of the law, and against those who were in possession of the great organs of public information, the conductors of the periodical press. Mr. Stephen concluded by saying, that he should vote for the practical course proposed by the right honourable mover, merely because it had been proposed by him, and was the only remedy at present suggested. Had Mr. Sheridan moved for leave to bring in a bill declaring such disfranchisements of any class of British subjects, by the inns of courts, unconstitutional and void, he would also have supported that measure, or any other that might be more proper to be taken for the same just and necessary end.

Sir John Anstruther, as a bencher of Lincoln's Inn, greatly regretted that the regulation in question had ever been adopted, and professed his entire concurrence in all the sentiments which the last speaker had so eloquently expressed. The character of the honourable and learned gentleman was as convincing an argument as any that he had used. No man who considered what the profession and the house would have lost, if that gentleman had been excluded from the bar, by a rule of this kind, could hesitate to pronounce it both unjust and unwise, and one that ought not to be suffered to exist. In fact, the regulation had been suddenly adopted by a very small board of benchers, after dinner, on a suggestion from some barristers in the hall. Though it might surprize the house, the barrister whose name was at the head of those who signed the proposition was no other than Mr. Clifford; (*hear, hear!*) and the bencher in the chair, about four only being present, was the late Lord Chancellor Erskine. (*Hear, hear! and a pretty general laugh.*) Sir J. Anstruther added, that knowing the opinions of several of his fellow-benchers on the subject, he had no doubt that when the return of term gave a proper opportunity for the purpose, the regulation would be withdrawn, and he hoped there-

fore the right honourable gentleman would not press his proposition, which he deemed an improper and unnecessary interference with the benchers in the government of the society; especially as an appeal might bring the particular case to the revision of the twelve judges.

The Solicitor-general thought himself bound in candour to confess, that he was one of the few benchers who, on the suggestion of eight barristers, had hastily adopted this regulation, which he would not undertake to defend. He paid very high compliments to Mr. Stephen, both on the score of his talents and personal character; and said, that like Longinus he had illustrated, by his own example, his own tenets on this subject. His own character was the best proof that such a rule ought not at least to be indiscriminate. He strongly maintained, in opposition to Mr. Sheridan, that the twelve judges had a jurisdiction, not merely to redress the individuals aggrieved by the rule in question, but to reverse the rule itself; and, therefore, the interference of parliament would, at least, be premature. The petitioner came *per saltum* to the house, before he had pursued the regular course to obtain legal redress. The Solicitor-general, however, professed his confident expectation, that the benchers of Lincoln's Inn, now that the merits of the question had been discussed, and were better understood, would see cause at least to revise and alter the regulation, if not wholly to revoke it.

Mr. Croker in strong terms condemned the regulation as illiberal, impolitic, and unjust, and thought that the credit of the honourable society demanded its repeal. He also professed the highest respect for the character of Mr. Stephen, and the manly manner in which he had conducted himself on this occasion. To say more would only be to repeat the arguments of that gentleman, in all of which he heartily concurred. But he trusted that the right honourable gentleman, on seeing that his object was likely to be attained in a more satisfactory way, would withdraw his motion. Should the event be different from what such respectable benchers of the society as had expressed their opinions, expected, he pledged himself to support a future application to parliament to the best of his power.

Mr. Sheridan, in a brief and neat reply, declared he could not hesitate under such expectations as were held out to him, to withdraw his motion. His object was al-

ways to attain his end when he could, without disputing needlessly on the means. He could not however regret having brought forward the question, as he doubted whether otherwise the matter would have been brought sufficiently to the attention of the benchers to induce them to revoke their rule; and especially since his motion had been the means of gratifying the house with the very manly and eloquent speech of the honourable and learned gentleman whose case furnished so decisive an argument in his support.

The motion was accordingly withdrawn.

ARMY ESTIMATES.

Lord Palmerston moved the order of the day for the house going into a committee for the purpose of re-committing the army estimates.

Sir T. Turton considered that it would be quite a delusion on the public to go again into a committee for the paltry saving which was now proposed. The country had a right to expect much more important retrenchments. He could not bear to hear a system of 30 years war announced; and he would much prefer that peace should resume its former current than that torrents of blood should continue to flow. He considered that the great army, for which such large estimates were voted, existed, in a great measure, on paper; and that we had not an efficient force like that which the house was led to suppose.

The house then resolved itself into a committee.

Lord Palmerston rose to explain the further reductions which were prepared to be made on the staff. In the eastern district it was proposed to make a reduction of one lieutenant-general, which would still leave eight generals to command a force of 20,000 men. In the Severn district there would be a reduction of one lieutenant-general. In the home district there would be a reduction of one major-general—(*Hear, hear, from the opposition*), and then there would be five generals to command 10,000 men. In North Britain there would be a reduction of one lieutenant-general, and one major-general, leaving still seven generals over 11,000 men, a number greater in proportion than in other districts, as was necessary from the troops being scattered over more ground. He then shewed, that there had been a regular diminution of the pro-

portion of the staff officers to the army for many years past. He concluded by moving his first resolution. "That a sum of 457,724*l.* be granted for the expense of the staff and garrisons."

Sir George Warrender said, that he principally found fault with the manner in which those staff officers were proportioned to the different districts. While ten generals had been appointed for 11,000 men in Scotland, there were only eight to command 21,000 men in the eastern district. There was no greater number in the Kent or Sussex districts, although of the utmost importance. On the home staff there had been hardly any retrenchment, although this was the department most objectionable. Officers were often put on the staff who were completely inefficient, and held the station as sinecures. It was often supposed, that instead of selecting generals for districts, the districts were appointed for the convenience of favourite generals, whose head-quarters were at the places they wished to live at.

Mr. Calcraft thought, that on the home district there should have been a saving much more considerable than in the reduction of one major-general. He was afraid that the right honourable gentleman (Mr. Perceval) found something in that staff which he had not power to remove. There were two full generals attached to it without any apparent necessity.

Mr. Wardle said, that in considering this expenditure, he by no means meant to blame particularly the present administration, as the same profusion prevailed under the last, and he was afraid would continue as long as a system of corruption was acted upon. When the enormous estimates for barracks had been formerly voted (which had altogether cost the country near thirteen millions) it was said that they would cause a diminution in the expense of the staff. This diminution, however, had not taken place. It was also said that the barrack establishment would provide for many half-pay officers, but instead of that, the appointments were given to the favourite servants of those in power. He did not conceive the present was a fair estimate, as it did not notice either the volunteer staff or the ordnance staff. The staff expense for the home service was now nearly as great as when we had a great part of our population under arms, and our armies at home. The house seemed now aware of what

he had been called a jacobin last year for stating, that every economy should be practised, that did not interfere with the efficiency of the army. He should ask, why these very lucrative situations were to be heaped on one individual (General Brownrigg). He was quarter-master-general, for which he received above 4*l.* a day; he had a regiment of two battalions, the 9th foot, which was at least 1600*l.* per annum, and then he was put upon the staff, at an expense of about 100*l.* a year more. The adjutant-general was also put upon the staff. He conceived that both these men had sufficient appointments without getting their appointments on the staff as a sinecure. He said there was a charge of about 4*l.* for each recruit to the recruiting staff. This charge appeared to him unreasonable. He conceived the estimates much higher than there was occasion for.

General Hope stated the length of service of the quarmaster-general and of the adjutant-general; and that there had been a promise to them of being put on the staff if any other generals were added to it.

General Tarleton expressed his opinion, that no diminution ought to take place in the cavalry, which he thought was among our best means of defence. In the home district there were the Commander-in-chief, the Duke of Cambridge, Lord Chatham, Sir H. Burrard, and a number of other generals. He thought the number might bear some reduction.

M. P. Moore defended the late administration, whose system of economy went on the grand scale of confining the expenditure of the country within its income. This was a principle of more importance than nicely measuring whether 1,300*l.* or 1,400*l.* a year should be given to any particular officer. As to the cry of invasion, which was set up by the administration which preceded them, he conceived it a bugbear, invented to impose upon the country. That bugbear, however, had now lost its terrors. He believed that of the estimates the same thing might be said as was once said of a lawyer's bill, "If you take off a third from the beginning, and another third from the end, what is left will be still too much.

An amendment was moved to take off from the estimate proposed the sum of 8,686*l.* being the expense of the two generals on the home staff, who were conceived to be quite unnecessary.

The Chancellor of the Exchequer hoped the committee would not suppose that the present administration had been more profuse in this respect than those who preceded them. The estimates they now presented were, in fact, reduced estimates on a reduced staff. Indeed, an hon. gent. (Mr. Wardle), on the other side, did not find fault with his majesty's ministers, but attributed every thing he complained of to a vicious system which had been long established. He was, however, ready to acknowledge that the reduction had been very considerable in the year 1806, under the late administration, and that the numbers of the generals on the staff had been then reduced from 142 to 70. At present there were but 59 generals upon the staff; and though some districts might perhaps be overloaded, others might have too few generals, yet, upon the whole, he was persuaded that the house would consider the present estimate fair and reasonable. There had been a reduction of one lieutenant-general and one major-general on the staff. He was ready to admit that lieutenant-generals might perform the duty as well as full generals upon the home district. But Lord Heathfield had been appointed during the administration of the right honourable gentleman opposite; and he would ask, whether it would be right, when by the course of promotion in the service, an officer attained the rank of a full general, he should be deprived of his appointment on the staff? As to the appointment of the Duke of Cambridge, he could not see any reason why one of the king's sons should not be employed in the home district, in a situation so near his majesty's person, and upon all these grounds he saw no reasonable objection to the estimates before the committee.

Mr. Whitbread animadverted upon the practice of the right honourable gentleman, when he could derive no argument from his own deeds, in referring to the deeds of his predecessors in office. But all that the right honourable gentleman had said, as to the comparative number of general officers at the various periods to which he referred, had nothing to do with the question, which was simply whether two full generals were necessary to be employed in the home district. He was as ready as the right honourable gentleman to agree to any thing that might contribute to do honour to his majesty; but he must contend, that it was not necessary that the officer employed to bear the gold stick should be a full general, or

of high rank, or even an officer on the staff. He was convinced too, that if the matter were to be represented to his majesty, he would not consent to the appointment of an officer of either description with the additional pay. There were no full generals on the staff in the year 1806. Neither the Duke of Cambridge nor Lord Heathfield had any duties to perform entitling them to their respective salaries of 4000*l.* per annum; so that, in fact, they enjoy sinecures to the amount of 16,000*l.* a year. The honourable gentleman also objected to the placing of the adjutant and quarter-masters-general upon the staff, with an augmentation of pay from 500*l.* to 1600*l.* per annum; and upon all the grounds he had stated, was inclined to vote for the amendment.

Sir G. Warrender explained.

Mr. Huskisson begged to recal the recollection of the house to the relative situation of the country in 1805, when the whole military force of France was upon the coast, and in 1806, when it was withdrawn to a distance of four or five hundred miles from the coast. The honourable gentleman then went into a defence of his own consistency. The influence of the crown, so much talked of, he contended was counterbalanced by the popular influence arising from the increase of wealth, and the general diffusion of knowledge.

Sir Thomas Turton and Mr. Huskisson severally explained.

Captain Parker thought his majesty's ministers right in what they meant to do as to the staff of the army. It was his intention, on a future day, to bring under the consideration of the house, a question respecting the condition and pay of the officers of the navy.

After a brief reply from Lord Palmerston, a division took place.

For the amendment - - -	61
For the original estimate -	99
Majority - - - -	38

Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 26.

Lord Francis Osborne, the honourable Mr. Eden, and Sir John Perring, took the oaths and their seats.

LORD ERSKINE.

Sir John Anstruther begged to correct a misconception, which, from what he had said on a former evening respecting the obnoxious bye-law of the Lincoln's Inn benchers, had gone abroad. It would appear from his former statement, that Lord Erskine had given his assent to that resolution, whereas the fact was, that that noble lord was only present on the 5th of February, when it was first proposed for consideration, but was not present when it was subsequently decided upon.

Mr. Sheridan stated, that he had it in authority from the noble lord to say, that he had never given his concurrence to this order, and even, if under any impression at the time he had given such consent, from what had since come to his knowledge, he was most anxious to have it withdrawn. (*Hear, hear!*)

SIR FRANCIS BURDETT.

Mr. Lethbridge.—Sir, I wish to ask an honourable baronet, now in his place, whether he acknowledges a certain paper, signed by his name, which, with certain arguments upon the same subject, have appeared in a work pretty well known, I mean Mr. *Cobbett's Register?*

Sir Francis Burdett.—The paper alluded to was signed with my name; it was almost needless, therefore, for me to say, it was printed with my authority, and that the arguments which were affixed were drawn up by me.

Mr. Lethbridge.—I thank the honourable baronet for the frankness with which he has answered my question; and I have now only to give notice that, considering that publication as a high insult upon this house, and a gross violation of its privileges, it is my intention to submit a motion upon it to-morrow.

A member wished him to defer it until the discussion upon the Scheldt expedition was over. The paper upon which the complaint originated, he could lay before the house the next day.

Mr. Lethbridge stated, that he would the next day lay the paper of which he complained before the house, and then appoint the day for the discussion of his proposed motion.

Lord Folkestone contended, that as it was a question of privilege, it superseded all other motions, and ought to be discussed immediately.

Lord Temple considered it the usual practice for the house to receive the complaint in the first instance, and then to fix the period for the discussion.

The Speaker observed, that the usage in such cases, was, first, if the member against whom it was intended to prefer a motion of complaint was absent, to move for his attendance upon an appointed day. If he was present, then it was optional with the honourable member intending to prefer such complaint, either to state it now, or at such future day as he deemed most compatible with the general disposition of the business before the house.

Mr. Lethbridge said, that, not knowing whether the honourable baronet would be in his place or not, he had that day come down to the house with a determination of moving for his attendance. However, when he saw the honourable baronet in his place, he felt himself bound in common courtesy to state to him his intention of bringing the subject before the house.

Sir Francis Burdett denied that the honourable member had acquainted him with the object of his motion. As he had unequivocally answered his question, it could not be considered intrusive on him (Sir F.) to ask the honourable member to state the nature of his intended motion.

Lord Folkestone considered it contrary to every precedent of parliament to delay, even for an hour, the discussion upon this grave and serious charge. Had, indeed, the honourable member kept his impression of the honourable baronet's conduct in his own breast, then there might be some reason for the postponement. But it was impossible, in his opinion, to agree to such suspension, after the house had been told, that it was highly insulted, and that its privileges were grossly violated.

General Gascoigne called the noble lord to order, upon the ground that no discussion was allowed upon the mere giving of a notice.

The Speaker answered, that the noble lord, upon a question of privilege, was strictly in order. The house tolerated upon such occasions a discussion, which, as it led to no decision, might more properly be termed a consulting upon the course which it would be most expedient for the house to pursue.

The Chancellor of the Exchequer remarked, that when the matter of complaint was before them, the house would then be best able to decide upon its own impression. It was possible that as the honourable member (Mr. Lethbridge) had no reason to know that the honourable baronet would be in his place, he did not perhaps come down so prepared with his intended motion as he otherwise would be disposed to do. The course he had pursued was highly proper; first, in giving notice to the honourable baronet, where it was so highly due; and next, when so serious a complaint to the house at large.

Mr. Charles Wynne thought that there would be less interruption to the business in which the house was about to engage in bringing the complaint forward now, before the discussion was commenced, rather than on the next day, when the house would probably be in the very middle of the debate.

Mr. Lethbridge persevered in his notice for the next day, and the conversation dropped.

EXPEDITION TO THE SCHELDT.

Lord Porchester rose and spoke to the following effect:—Mr Speaker, in endeavouring to lay before the consideration of this house an accurate analysis of the voluminous mass of evidence, which has been collected in the late inquiry into the expedition to the Scheldt, I am fully aware that the task I have undertaken is not only difficult, but that I shall weary your attention by the details which are, however, necessary for its complete developement. But difficult as I feel the task of this night, I also feel it as painful as it is arduous—painful to review a campaign, in the conduct of which there is so much to surprize, to lament, and to condemn—a campaign which has equally astonished Europe by the magnitude of its preparation, as it has by the extent of its failure. (*Hear, hear!*) Notwithstanding such failure, and such a calamitous issue, I did still hope, that in proceeding to ana-

lyze this evidence, I would have been able to extract from this mass of national misfortune something that might, by its eventual consequences, amidst the present cheerless gloom, afford even partial grounds for national consolation. I did hope to find that such dreadful failures were, at least in part, attributable to those uncontroulable causes which are incident to all the operations of war, and are inseparable from enterprizes dependent for their success, upon the state and condition of the elements. But what has the disastrous issue of this expedition proved? It has proved to be the result of predicted and anticipated causes. It has verified every prediction, and realized every expressed fear of all those best competent to decide upon its policy and practicability, but whose opinions upon this occasion, most fatally for the honour and interests of the country, his majesty's ministers did not deem it expedient to follow. Before I trace this ill-judged and disgraceful expedition from its monstrous birth to its most horrible catastrophe, I feel it necessary to advert to another abortive enterprise, which was previously in the contemplation of his majesty's government, but with which, from the reasons I am about to state, they were wholly unable to proceed. We find from the evidence of the commander-in-chief, Sir David Dundas, that so early as the 22d of March last, a communication was made to him, directing him to attend a cabinet council on the 24th. Having so attended, he was there informed, that the enemy had a force of nine or ten sail of the line at Flushing, and he was required to say, whether a number of troops, competent for a successful attack against this shipping, could be then furnished. Here then was an opportunity for carrying into effect that object against the growing naval force of France, which his majesty's government profess to have so long in contemplation. Had it succeeded at that period, what a proud theme for triumph; what a consoling source for national exaltation? Why did it not succeed, or why was it not attempted? It could not succeed, it could not be attempted; because, as the commander-in-chief himself told you, it was absolutely impossible, from the whole regular army of the country, to furnish even 15,000 men. And on what grounds does he give that opinion? Upon the well-known shattered state in which a great portion of our disposable force

returned from Spain after the battle of Corunna. The men, for the most part, unfit for duty, with arms and equipments in the most defective state. General Calvert corroborates that statement, and fully coincides in the impossibility of providing so small a force as 15,000 men. And here I pray the house, to recal to its recollection the assertions and assurances so often repeated by his majesty's ministers during the last session of parliament. Let it compare the lamentable truths which the commander-in-chief has communicated, and which would never have been disclosed but for this inquiry, with the statements that were re-echoed from the opposite side, and the returns which were officially laid upon its table during the last session. Why, I ask, were statements and returns so contradictory to truth thus made? Were they not to disguise the nature and extent of the nation's afflictions, to gloss over the misconduct of ministers, and by keeping from our view the just description of occurrences, to confirm this house in a fatal and ruinous delusion? (*Hear, hear!*) What answer can ministers make to this charge? Here is the undeniable information before us, that although in the month of January last, 23,000 men re-embarked at Corunna, still in the month of March, it was impossible, out of our whole regular army, to furnish 15,000 men for the purpose of effecting a most desireable object. I now proceed to consider the first overt act in the history of this expedition to the Scheldt; I allude to the letter of my Lord Castlereagh to the commander-in-chief, dated the 29th of May. Willing as I am to render credit to ministers where credit is due to them, I am free to acknowledge the propriety of their conduct, so far as that propriety was discernible in their application for advice and intelligence to the best sources of authority; but here their title terminates. For when we read the opinions of those officers to whom ministers applied for information, and contrast the course determined upon with those opinions, it is absolutely impossible even to conjecture, much more to ascertain their motives at all for making the application. This attempt upon the shipping and arsenals of Antwerp, ministers tell us, was a plan long considered and fully matured, and yet, strange to say, in this letter to the commander-in-chief, we find him called upon not to state his opinion as to the best means of carrying into effect this long con-

sidered and determined project, but it calls for his sentiments "upon the *practicability* of such an attempt, the means required, and the mode of carrying it into execution." The noble lord (Castlereagh) admits his inability to afford a precise statement of the enemy's force upon that line, but he assures the commander-in-chief, that that part of the enemy's territories was never more exposed, or more assailable, or that this country had in its hands a greater disposable force. Upon the receipt of this communication, with a most laudable attention to the interests of the country, and to the protection of that army at the head of which his majesty was pleased to place him, the commander-in-chief felt it to be his duty to consult with other officers of high and distinguished character, and qualified from many particular circumstances to afford him most able assistance, in returning the fullest information to his majesty's government. His own and their opinions he delivered to the noble lord, in official documents dated the third of June. Before I proceed to the analysis of these opinions, I wish to advert to the last sentence in Lord Castlereagh's letter, which I contend did not afford the information that was necessary, and ought to be afforded. Independent of such general indefinite statements, positive defined intelligence ought to have been communicated, but, above all, the safety of so large, and, perhaps, our last army, ought not to have been risked upon such desultory arguments. But, returning to the opinions of the five military officers, it is evident from their tenor, that in putting into practice their plan of attack upon the naval resources of the enemy at Antwerp, they had in their own contemplation two plans: one by way of Ostend, and the other, that is the one attempted, by naval and military operations in the Scheldt. Extravagant as was the one which, in their wisdom, they had adopted, ten times more so was that which they had abandoned. But the commander-in-chief states in his answer, that if the attack is to be made at all, it should be a combined naval and land operation, and he proposes, that the relative strength of our force, and the presumed one of the enemy, should be determined as a question of calculation, and not of surmise. He then enters at length into the detail of the necessary operations, and states, that Antwerp is a large town, and must be approached with a

regular siege, and concludes with this opinion, that one should have supposed would have arrested even the rapid progress of the noble lord's (Castlereagh) enthusiastic mind—an opinion that ought to have created in him a distrust of his frantic project, and must have almost anticipated that issue which, in the destruction of our army and the disgrace of our character, has far exceeded even the forlorn and disastrous expedition, which, under the same auspices, had but just preceded it. (*Hear, hear!*) That opinion is expressed in these remarkable words—"That in whatever way Antwerp is to be approached, the service is one of very great risk, and in which the safe return of the army so employed may be very precarious, from the opposition made, and the length of time consumed in the operation, which enables the enemy to assemble in a short time a great force from every part of the Netherlands, and Holland, and even from Westphalia by the course of the Rhine, as well as from the frontier of France." The next opinion delivered was, that of General Calvert, and that officer states the utter impossibility of laying down any thing decisive in the shape of detailed reasoning, without being in possession of that knowledge, which most people imagine an indispensable preliminary, but which, important as it must appear to us, was, by his majesty's ministers through the whole arrangement of this project, considered highly superfluous, namely, a local knowledge of circumstances, and to what extent those circumstances would admit of a naval co-operation. After describing the means possessed by the enemy in drawing from various quarters reinforcements, he concludes with an opinion, that one should have supposed would have operated with ministers against the expediency of this project. Before I read that conclusion I must say, that the want of information, without which his majesty's government should not have ventured to risk the safety of a gallant army, is fully proved. For what says General Calvert upon that point. He tells you, that having no data to go on in respect of the enemy's force, no argument can be entered upon that point. Will the noble lord, or any one of his former collegues say, that they should have committed the honours and interests of this country, the blood of its defenders, and the product of its industry, upon an enterprize, the success of which must have depended upon the state of things, of which they themselves

now stand confessedly ignorant? Yet even, if upon the presumptions that the case itself afforded, they were told by General Calvert that the service would be arduous, and that the troops employed upon it must be exposed to considerable risk. We now come to an opinion which it is almost impossible to believe to have been received by ministers, or if it had been received, that it was ever read by them, for most assuredly had any attention been paid to its most impressive and unanswerable inferences, they never would have conveyed a British army to almost certain destruction. Need I say, that I allude to the military opinion of Colonel Gordon? (*Hear, hear!*) That officer states the previous consideration in weighing the practicability of this project, to be "the extent of our means compared with that of the enemy, and the obstacles we should have opposed to us;" and in continuation observes, "that there does not appear to be any datum that can lead to any probable guess at the extent of the force which the enemy may have at Antwerp and the strong towns adjacent, or even at the extent of the armed population or militia of the neighbouring districts; but is imagined from various concurring testimonies, that the whole regular force has been drawn off towards Germany, and that the country in the vicinity of Antwerp has been left more destitute of troops than at any former period. This appears to be the utmost extent of our information, and upon the accuracy of which must depend the success or failure of our project." From what has transpired during this inquiry, it is apparent that his majesty's ministers intend resting a part of their defence upon information alleged to have been received subsequent to the delivery of these military opinions. I, in answer to such an extenuation, challenge his majesty's government to state one single proof of such subsequent information. Is there any thing in the documents submitted to the secret committee which can authorize this house to believe that the army in the vicinity of Antwerp were, in any considerable force, drawn off into Germany? In this opinion, dated so far back as the 29th of May, it was also to be recollected, that Colonel Gordon considered that the first operation necessary would be to get possession of Cadsand and South Beveland. And yet it was not until the expedition had in part actually sailed, that it had ever occurred to his majesty's ministers to consider of the necessity of such

possession, or of hinting at it in the instructions given to the officers intrusted with the execution of this project. But it is impossible to put it stronger than as stated in the emphatic words of Colonel Gordon, when he sums up with this concluding inference, "That this attempt would be a most desperate enterprize cannot be doubted; and that, in the attempt, whether successful or otherwise, a very large proportion of our navy, and military means would be put to imminent hazard." General Brownrigg in his opinion states, "that the object could only be effected by our fleet being able to sail up the Scheldt, having 10,000 troops on board to be occasionally landed, to possess forts and batteries placed to obstruct the navigation!" Of all the plans proposed, this was by far the most extravagant and impracticable. Flushing having been taken, General Brownrigg thought that a force passing over to South Beveland, would take possession of Santvliet on the main land, and the distance from thence to Antwerp being only six leagues, might succeed in taking it by a *coup de main*. This opinion the house must perceive, that although it was not as adverse as the preceding ones to the ministerial project, still it was far from very encouraging. The next opinion is that of General Hope. He begins with making several assumptions, and after dilating upon the utility of securing the fortresses of Lillo and Liefkenshoeick as a retreat in case of failure at Antwerp, he concludes with stating, that "such an operation, it is evident, would be attended with great risk to the force employed, without, perhaps, any adequate security to the attainment of its object." Having thus bottomed their project upon the opinions of five military officers, his majesty's government next apply to two naval officers, Sir Home Popham and Sir Richard Strachan. In Sir Home Popham's interview with Lord Mulgrave, he states, that he conceived there were greater objects in view than the possession of Walcheren. Indeed it was perfectly plain, from the equipments of the expedition, that it was intended for the ulterior object of destroying the naval resources and arsenals of the enemy; but even if any doubt existed before, it is wholly dissipated by the opinions of the military officers, who all agree in considering the great and ultimate object of the expedition to be the attack upon Antwerp. In the memoranda of Sir Home Popham, he particularly presses two points, namely, that the troops should be embarked in

ships of war, as transports were a great impediment to promptitude and attack, and that as the season was advancing, the expedition should be ready to sail by the 26th or 27th of June, about the time of the full moon. Here, then, was their first naval opinion treated with the same disregard as were those of their military advisers; first, the ships of war were not to proceed up the Scheldt, and the hopes of promptitude were increased by the vast number of horses that were sent out, and by not dispatching the expedition, which ought to have sailed on the 27th June, until the 28th July. Sir Richard Strachan, with whom they next advised, assures the noble lord at the head of the admiralty, that he entertained little prospect of ultimate success at Antwerp. In his conversation with Lord Mulgrave, he perceived that his lordship did not then know that the French ships could go above Antwerp. When asked whether he had ever any communication, either with Lords Castlereagh or Mulgrave, relative to the difficulties he might be subject to in going up to Antwerp, he says, that he did not recollect that they communicated to him any thing upon the subject, but he remembers, that when he remarked, that all he thought could be done would be taking Walcheren, the noble lord at the head of the admiralty replied, in anticipation of what, I trust, the constitutional organ will, at the end of this discussion, declare, "that the country would be little satisfied with such an extensive armament doing nothing more than taking Walcheren." Upon the repetition of his fears, the noble lord assured him that he had the fullest confidence, and that he had reason to think they should do very well. In developing the consequences which followed this ministerial project, it is most natural to inquire, and, if possible, to ascertain, first, Whether there was any settled plan of operations concurred in by the different departments of the cabinet, and fully communicated to the officers intrusted with the command? I confess that, with all my anxiety to learn, and industry to obtain the information, I am yet to hear what was the nature of the arrangement proposed. Were I to deliver my own conviction, it is that there were as many plans as there were departments engaged in the expedition; that the noble lord (Castlereagh) had his plan; that the admiralty had theirs, and that the right honourable gentleman opposite (Mr. Perceval) had his, each distinct

from the other. The plan of the noble lord, if one might guess from the outline, was to make a dash, which disdained to stop at even the most desperate risks, and appalling dangers. The plan of the admiralty, at least fixed upon at the sailing, though hostile to the romantic notions of the noble lord, was much more prudent. It would not hazard the navy in a most intricate navigation. The right honourable the Chancellor of the Exchequer's plan was not how he should support the cause of his allies; not how it should affect the scale of the war in Germany; not how it should tend to turn in favour of Austria, the equal poised fortune of that awful campaign, but all his intention was absorbed in calculating upon that arrangement which should convey your expedition with the least possible quantity of dollars. The right honourable gentleman totally overlooked that axiom in war, that bullion was as necessary as powder and shot, and was, when well applied, not less operative. (*Hear, hear!*) What said the commander-in-chief of the expedition respecting a plan? Throughout the whole of his examination it was clear, that he had, at no time during the campaign, considered of any plan at all, neither was there any pointed out to him in the instructions of the government. Still I think we may assume, that when the expedition left the Downs, the arrangement most probably to be acted upon was, that the left wing, consisting of 17,000 men, should obtain possession of Walcheren; that a corps should occupy Cadsand, whilst the main body, after leaving a competent force in South Beveland, should, to the amount of 22,000 men, be landed at Santvliet. Independent of all these various operations, there still remained another to be carried into effect, which, to this moment, I confess to be unintelligible to me, although cloathed in the pompous expressions of the noble lord, when he talks of a subsequent ulterior simultaneous operation. (*Hear, hear!*) The noble lord here took a review of the various difficulties and impediments which might have been expected in the formation of such different operations, and the total want of any instructions or means to guide those intrusted with the execution. Seven days were allowed, with favourable wind and weather, for the expedition to arrive at Santvliet. It sailed from the Downs on the 29th. It was in evidence, that many vessels had stranded, and that a delay would be necessary to man the flotilla in the mouth

of the Scheldt. There was also every reason to calculate that South Beveland would hold out a much longer time than it did, capable as it was proved to be of making a spirited resistance. Every officer had expressed strong doubts of its practicability; but, that it should at all succeed, it was necessary that every chance should turn out in its favour. The slightest deviation was fatal—the most inconsiderable failure operated powerfully against the eventual success. Such was the nature of the expedition upon which the fate of a brave army was committed. The commander-in-chief had no plan. He did not even know whether the ships upon the slips at Antwerp, and the arsenals, were protected by the citadel. Those who read the secret information, must feel surprize that his majesty's ministers did not obtain information upon that most necessary point, the navigation of the Slough Passage. To get through the intricacy of the navigation at all, Sir Richard Strachan says, "it was necesary to have a pilot in every ship;" and yet he informs you, that to carry a ship of war into the Scheldt no pilot could be found fire-eater enough. Besides, to be able to get up to Batz, there must have been a change in the wind from that at starting. Thus, in order to insure a favourable navigation, it was actually necessary to have relays of fair winds at every winding of this difficult river. But the noble lord says, it was impossible for him to prescribe any course of proceeding in case of these untoward events. Was it not his duty to inquire, to ascertain, or to act upon the fullest and most correct intelligence, and was he not bound to prescribe the movements of the army? If he could not make such a calculation, why should he have ventured to commit our naval and military resources, upon such a rash, injudicious, undefined, and frantic enterprize. It appeared, that without a wind from the westward, the shipping could not proceed up the Scheldt, and when it blew in that direction it was impossible to land for the surf. Next, it was necessary, before our shipping could pass through the Wieling passage, that the forts of Cadsand should be occupied. Why was it neglected? Why was the division of the Marquis of Huntley unable to land? It was stated for want of boats. But then Lord Gardner was ordered to supply the squadron of Commodore Owen. What said the evidence of Sir Richard Strachan? Did he not say that Lord Gardner acquainted him by letter, on

the 3d of August, that it was impossible for him to pass the ships into the Scheldt, either into the Duerlo or Wieling, without probable destruction, as long as the enemy possess the Flushing or Cadsand shore. But was his opinion upon that point wanting? Had they not the fact proved, proved in a manner which recalled to their minds the only gratifying part of these transactions. Was it necessary to allude to the statement of Captain Hanchett, who, having bravely pressed forward to protect some of our flotilla under the fire of the sea-face of Flushing, declared, that whilst the shells from Flushing fell on board him, the round shot from Cadsand went through him? General Brownrigg has stated, that the failure at Cadsand was a matter of regret, and that it arose from the fortuitous circumstance, that by some means or other French troops were passing through it at the time. Indeed it does, some how or other, generally happen that French troops are present precisely at the time, and in the place where they are wanting, whereas it is the unfortunate characteristic of our military expeditions, that they never are present either when or where they ought to be. But though the failure of this *sine qua non* of the expedition, this hinge upon which it all turned, may be a matter of regret to the gallant general, yet I do trust, that this house will consider it as a matter of responsibility to ministers. Let the house next direct its attention to the proposed attack upon Antwerp, and it is impossible but it must consider it as romantic as the attack mentioned in a celebrated romance against the windmills. Lillo and Liefensboeick were to be watched, whilst, in the language of General Sontag, a vigorous attack was to be made against Antwerp. In the absence of its withdrawn garrison, its population were to be intimidated into surrender. Supposing for a moment that its garrisons were withdrawn, was it consistent with common sense to believe, that the appearance of 17,000 men before a large fortified town, protected by a citadel, with a passage for those that were disposed to leave it, to retreat into the interior, could be intimidated into submission? For instance, What would be thought of Bonaparte making an attempt on Portsmouth, merely because he heard that some short time previous, there was stationed but one regiment in that impregnable garrison? Much had been said about the alarm with which the people of Antwerp were seized on the expected attack of

the British. The answer was, that the population now consisted of a different kind of people, now that it was made a great naval nursery, from that which existed in the days of its commercial prosperity. In what did the vigorous attack of General Sontag consist? It consisted in erecting a battery, with great pieces of cannon to bear upon its weak points. When asked, could not the ground upon which the works must be erected be inundated? The answer was, that upon that point they were ignorant. But even though Antwerp could be bombarded, that effect would not accomplish the object with respect to the shipping and the arsenals. General Brownrigg, with the other officers at the council at Batz, acknowledged, under their respective authorities, that even if they had succeeded in raising works against Antwerp, they could only avail themselves of the destruction of some articles for ship-building; but that they could neither take the ships or materially destroy the arsenals. General Macleod would give no opinion as to the probability of taking Antwerp; all he spoke of was the destroying it. With respect to the state of defence in which Antwerp was placed, every information proved it in a more perfect state of security than what ministers could conceive. The guns were not mounted upon the ramparts, but it was well ascertained, that in many fortified places it is usual to keep the ordnance from the effect of being permanently in the air, particularly when there exists every facility to have them quickly remounted. But the noble lord had an expedient for every objection—he had in this two strings to his bow. It was neither to be wholly a bombardment, or a *coup de main*. He would have a little bombardment simultaneous with a battering in breach. How was that battering in breach to be effeced? It must be effected without battering guns, because they were not got up. The commander-in-chief had confessed he had no plan, he did not see the necessity of having one until he got upon the Continent. In other words, when he had arrived at the conclusion of the campaign, he was then to devise his plan of operations. He did not know but that he might have two or three preliminary sieges—still no preliminary arrangement. He was ready with his ministerial colleagues to send the army against the enemy, ignorant of what he was to do, of what he would wish to do, as well as of what he was to avoid. It was impossible for the

house to overlook the unanswerable statements of Lord Rosslyn, and the clear, convincing, and scientific evidence of Sir W. Erskine. That officer knew Antwerp well, there was not a necessary repair in its fortifications that could not be effected within a week, and where the damage was greatest the ground before it could be laid under water. In calculating the resistance natural to be expected from its population, it was to be remembered that it was now a great naval depôt, and that at least 10,000 persons could be got from the shipping and arsenals for the defence of the town, in such an attack, a system of service nearly similar to boarding, and for which these men were of course particularly qualified. The very circumstance of its being a marine depôt was a full proof that it must have been supplied with a redundancy of ordnance. But admitting the fullest credit to the secret information, what did it convey? Only that the garrisons were withdrawn from Antwerp, and its vicinity, and that it would take five days or a week again to supply them. Was then such an expedition as that sent out, calculated by its promptitude to surprize a fortified town, while the information on which ministers relied, stated, that in five days reinforcements could be supplied? Ministers cannot plead ignorance of such a state of things; they were generally communicated in the military opinions of the officers whom they consulted. They were intimated by Sir William Erskine most particularly to Sir Richard Strachan, and by that gallant officer pressed, unhappily to little purpose, upon the noble lord opposite. Every thing that was apprehended the attempt realized, every prediction that was made was found fully verified. The same ignorance, the same folly visible in every attempt to carry its arrangements into effect, and finally, the very place we were to surprize by a coup de main, fully prepared to resist and counteract even the best digested plans. But in addition to this, and what puts the matter beyond the possibility of doubt, is an official French document, being a memorial to the Emperor, dated the first of August, stating, that in three days from that time, they would be in such a situation all along the coast, as would enable them to send a sufficient body of men to protect any point at which an attack might be made. This circumstance sufficiently accounts for the situation in which our detachment found the island of Cadsand. Antwerp, therefore, could not be unprepared

even at the time of the sailing of our expedition, for you find divisions going thither in all directions on the first of August. Having now endeavoured to shew, that on all the data on which men are accustomed to calculate probabilities of success, that it was morally, if not absolutely impossible that ministers could entertain any rational hope of the expedition reaching Santvliet at the time mentioned, I shall now proceed to shew, that if this was not in the nature of things impossible, they had by their own orders rendered it so, and that, according to those orders, not a soldier or seaman belonging to the expedition could be at Santvliet within four days after their sailing. It could not be the corps under Sir Eyre Coote, for that was ordered to Walcheren. It could not be that under General Hope, for that was ordered to the East Scheldt, there to wait till a solid footing had been gained in Flushing. Then Sir E. Coote was to return, and having effected a landing on South Beveland, was to push on to Santvliet. Here, therefore, was a positive delay, and the corps so situated must be re-shipped. It could not be the division under the Marquis of Huntley; it too, had a particular destination, and was to be divided before it could advance. The division under the Earl of Rosslyn and General Grosvenor, too, was not to proceed to Santvliet, but to Cadsand. Then what were the general instructions to the army? That when the investment of Flushing was completed, and South Beveland was fully occupied, the divisions thus ordered to wait, at least for a period of ten days, might then at length be allowed to proceed to Santvliet. What then were the orders to the artillery? One corps was to proceed—the other was to wait for farther orders, and was actually detained at Deal till the 3d of August, when it received orders to sail. His lordship proceeded to read the instructions on these different heads; he was aware it was unentertaining to consume the time of the house in that manner, but he was anxious to impress the evidence on the minds of honourable members, if they were not already completely masters of it. I ask then, continued his lordship, when we see every division ordered to some different service, and no reference made to Santvliet, but as an ulterior object, if it be consistent with the generally received ideas of things, that we should be told that this was the principal and immediate object of the expedition? All of these divisions were to remain in parti-

cular places appointed for them till certain events occur. Santvliet was not an object on which any one of them could have ventured to proceed without a breach of their orders. The ships of the line were not to be used in the Scheldt, though it was clear, that by their assistance alone could the service be accomplished; and, finally, part of the battering train was suffered to be detained in the Downs till the 3d of August, at which very period it should have been at the place of its destination. As to that part of the plan, if plan it can be called, which concerns the seizure of Antwerp, the instructions do not add one word tending to shew that, in the most favourable circumstances, the expedition could have reached it. No doubt, I believe, the noble lord thought he was sailing to Antwerp, but he took his instructions as he received them, and he found them impenetrable. I now come to the conduct of the expedition; and it is not to the commanders of the naval or military force employed in it that I wish to attribute any degree of blame. If any degree of blame were justly attributable to them, it would not be for this house to judge of it. We could only report that such a failure had taken place; that in our opinion blame in the conduct of the expedition was imputable to the naval and military commanders employed; and then address his majesty to desire that he would be pleased to order inquiry into their conduct. But, here, I believe the house will agree with me, that this is a failure not attributable to the army or navy. Gentlemen will recollect, that we did not send this army to contend with the elements alone, but with a pestilential disease, well known to prevail in the climate to which this expedition was sent. The effects of this pestilence were well known, not to the medical gentlemen alone, but even to ministers themselves. Lord Mulgrave commanded a corps in that country, in the year 1794, and although he did not remain long there, yet his gallant army became infected with the disease, and a variety of deaths arising from the contagion long after they had left the country. The divisions of the army composing the expedition now in question, moreover were sent to a pestilential climate in a pestilential season, and it was not a seasoned army. It was not also, till after it had sailed, that it was discovered, the article of medicines had not been sufficiently attended to; and even then, it was not till after 3,000 men had actually been seized with the

disorder, that additional medicines were sent out. It was found as early as the 31st of August that there was a want of medicines and of medical assistance. An application was accordingly made by Sir Eyre Coote, urging assistance in those respects; and so pressing was he on the occasion, that he deprecated even the delays attending the navigation, and requested that a fast-sailing vessel might be employed in bringing them. On the 2d of September, Lord Castlereagh received a letter on this subject, but it was not till the 3d that it found its way to the war-office. Colonel Gordon then wrote to the medical board; but from the 2d to the 5th, nothing was actually done, though the assistance required should have been sent by express. Mr. M'Leay, of the medical board, then wrote to Deal, desiring tonnage to be ready to convey the medicines required; and on the 9th, a letter was written from Deal to Mr. M'Leay, stating, that there was plenty of tonnage, but that no medical men had arrived to make use of it. In the course of twelve days after the application was made, there were no medical men but one staff-surgeon and three hospital mates ready, and then the sick amounted to 8315. These, when they did arrive, two of them were sent to inspect the state of the diseased, and the nature of the infection, instead of being able to guard against the consequences, as they should have been prepared to do, the hospitals were then filled with the sick; and those polluted with the disorder who did not take it there, were afflicted in a similar manner on their return to this country. I come now to the last, but not the least interesting, and perhaps the most important part of the case. Knowing that there were already on the 8th September, 8000 sick at Walcheren, the following details from Sir Eyre Coote in succession, held out no hope of abatement. The force remaining fit for duty, in the event of an attack, rendered the defence of the island extremely precarious. He accordingly writes, asking that the blankets, and other warm clothes which had been left behind the army in England, should be sent to them. They had been put into hospitals without roofs; and if they had not met with supplies from the smugglers, they must actually have perished without medicine. I do not attribute all this to the ministers, but to that miserable subdivision of offices, having no controul upon each other, but all of which ought to be under the controul of the

war minister. It was particularly the duty of ministers, however, to have been vigilant on this occasion, when they knew how divided among themselves, and how inefficient this corps actually was. It was their duty to have seen that soldiers, who by their act had been placed in this situation; who by their act, beyond any actual necessity, had been placed in such a situation of peril, were not left to perish. I cannot figure any excuse for such gross misconduct. I can conceive no excuse but this, that they themselves were at the time in a similar state of disunion. I ask with what view they left these brave men to perish down to the 15th October, and why they did not at once destroy the fortifications, and remove the army, the moment the ulterior object was found to be impracticable. If they talk of a practicable defence of Walcheren, I answer, that all the opinions and evidence on that point shew that it could not be retained without a force of 20,000 or 30,000 men; and that no reliance could be placed on our naval defences, in such a situation. All those acquainted with the navigation of the Scheldt, know that we could not depend on our naval defences alone. That for three months of the year the fleet must go into Flushing: that the enemy can easily convert their schuyts into gun-boats, and attack our fleet; and it is also well known that when once ships go into one branch of the Scheldt they cannot easily get into the other. We never could think of establishing that as a station of defence, without also keeping there a naval force equal to all the vessels, and all the means of the enemy; and I ask, if this country has a population equal to the support of such an establishment, if there ever was a man who entertained the idea? But when ministers knew that this disease existed, and that there was no chance of its diminishing, but of its increasing, I confess myself utterly at a loss to conceive on what principle they could reconcile such a notion to their minds? So much had the malady increased, that at last General Don tells you, your army was completely cut up, and that there was the greatest apprehension that the hospitals might fall into the hands of the enemy should any accident befal your naval force. I ask, why were the feelings of ministers so callous to the sufferings of the army, while the heart of every other Englishman in the kingdom was rung with their sufferings? Why did they not recal their gallant countrymen after the letter of the

8th September, describing their calamitous situation, instead of consigning them to the same deplorable fate till November following? I will tell them why. It was not because they were anxious at the time for the retention of Walcheren, but from an eagerness to retain their own offices. The heart-rending intelligence as to the state of our brave army, which united in sympathy and feeling the minds of every other man in the country, operated on them as a principle of disunion, serving to them as the signal to commence intestine feuds—

Validas in viscera vertere vires.

The noble lord proceeded to notice the call on this country in the letter from Mr. Bathurst, for continued operations, whereas, when they were in full strength, there was not a person to be found in those very countries we were aiding, who would throw a stone in our behalf. How, the noble lord asked, could we believe, that to bring a British army to perish in Walcheren, was serving the cause of Austria? Such an offer was made to Austria last war, and the question put in return was, "Where is this island of Walcheren?" It was not in Holland, but in the North of Germany that we could have made any thing like a diversion. He had gone through the principal parts of the great mass of evidence which had been adduced in the inquiry to this expedition. He could wish to turn away his eyes from a campaign planned in ignorance, conducted in impotence, and which had ended in immolating some thousands of the finest troops of this country. His lordship concluded by moving two different sets of resolutions—the one on the policy and conduct of the campaign, the other on the retention of Walcheren after the ulterior object was found impracticable. The noble lord being exhausted, the resolutions were read by Earl Temple, and are as follow:

No. I.

That on the 28th of July last, and subsequent days, an armament, consisting of 39,000 land forces, 37 sail of the line, 2 ships of 50, 3 of 44 guns, 24 frigates, 31 sloops, 5 bomb vessels, 23 gun-brigs, sailed on the late expedition to the Scheldt, having for its object the capture or destruction of the enemy's ships, either building at Antwerp or Flushing, or afloat on the Scheldt, the destruction of the arsenals and dock-yards at Antwerp, Tor-

neaux and Flushing, the reduction of the island of Walcheren, and the rendering, if possible, the Scheldt no longer navigable for ships of war.

2d, That Flushing surrendered on the 15th of August, whereby the reduction of the island of Walcheren was completed; and that, on the 27th of August, all attempt upon the fleet and arsenals of the enemy at Antwerp was, by the unanimous opinion of the lieutenant-generals, declared to be impracticable, and was abandoned.

3d, That the destruction of the basin, dock-yard, arsenal, magazines, and naval store-houses, of the town of Flushing, and of such part of the sea defences as it was found proper to destroy, having been effected on the 11th of December, the Island of Walcheren was, on the 23d of December, evacuated by his majesty's forces, and the expedition ended.

4th. That it does not appear to this House, that the failure of the Expedition is imputable to the conduct of the army or the navy in the execution of their instructions, relative to the military and naval operations in the Scheldt

5th. That on the 19th of August a malignant disorder shewed itself amongst his majesty's troops; and that, on the 8th of September, the number of sick amounted to upwards of 10,918 men.

6th. That it appears by the report of the physician appointed to investigate the nature and causes of the malady to which his majesty's troops were thus exposed, that the disease is one which prevails periodically in the islands of Zealand, and is of peculiar malignity there, and which constantly follows a law of season appearing towards the end of summer, becoming more severe in the autumnal months, declining in October, and nearly ceasing in November. That perfect recoveries are rare, convalescence never secure, and that the recurrence of fever quickly lays the foundation of complaints which render a large proportion of the sufferers inefficient for future military purposes.

7th, That of the army which embarked for service in the Scheldt, 60 officers and 3,900 men, exclusive of those killed by the enemy, had died before the 1st of February last, and on that day 217 officers and 11,296 men were reported sick.

8th, That the expedition to the Scheldt was under-

taken under circumstances which afforded no rational hope of adequate success, and at the precise season of the year when the malignant disease, which has proved so fatal to his majesty's brave troops, was known to be most prevalent; and that the advisers of this ill-judged enterprize are, in the opinion of this house, deeply responsible for the heavy calamities with which its failure has been attended.

No. II.—1st. That lieutenant-general Sir Eyre Coote having, on the 9th of September, been left in the command of Walcheren, with an army of about 15,000 men, did, on that day, make an official report on the state of the island, the extent of force required effectually to guard it, the nature and conditions of its defences, and the number of men then sick and unfit for duty; representing that after such his exposition, his majesty's ministers would be the best judges of the propriety or possibility of keeping the island; and adding, that the advantages must be great indeed which could compensate the loss of lives and treasure which the retention must necesarily occasion.

2d, That on the 23d of September, Sir Eyre Coote stated to his majesty's ministers, that the alarming progress of disease was such, that if it should continue in the same proportion for three weeks longer (as he added there was every probability that it would), our possession of the island must become very precarious.

3d, That on the 6th of October Sir Eyre Coote, after stating that the number of sick was increasing, and that the effective force was thereby rendered so trivial, as to make the defence of the island, if it should be attacked, extremely precarious, did express his anxiety to be informed of the intentions of his majesty's government as to the future state of Walcheren.

4th, That notwithstanding these, and many other pressing representations, in the alarming condition of the troops, and the danger to which they were exposed, his majesty's ministers did neglect to come to any decision until the 4th of November, and that the final evacuation of Walcheren did not take place until the 23d of December.

5th, That on the 10th of September the number of sick in the island of Walcheren was, exclusive of officers, 6,938; and that the total number of sick embarked for England, between the 15th of September and the 16th of

November, was 11,199, making in that period an increase of sick of 4,268.

6th, That although the great object of the expedition had been abandoned as impracticable, a large proportion of the British army was (without any urgent or determined purpose in view, or any prospect of national advantage to justify such a hazard, or to compensate such a sacrifice) left by his majesty's ministers to the imminent danger of attack from the enemy, and exposed during a period of more than three months, and under circumstances of aggravated hardship, to the fatal ravages of a disease, which on the 31st of August had been officially announced to be daily increasing to a most alarming degree.

7th, That such the conduct of his majesty's advisers calls for the severest censure of this house.

Lord Castlereagh then rose, and expressed his hope, that under the circumstances in which he stood, the house would feel that he was called upon to seize the earliest opportunity of explaining the grounds on which this expedition had been undertaken. From the nature of the case, it was impossible for him to compress it in a very narrow compass; and he besides felt the pressure of a personal difficulty arising from the circumstance that much of the question was of a professional kind, with which he must be to a certain degree embarrassed. He would, however, endeavour to do justice to his view of the subject, trusting to the recollection of the house for the evidence, of which he would only advert to the principal points. He thanked the noble lord opposite for the opportunity he had afforded him of laying the case in all its bearings, before the house and the public. The other tribunal might perhaps have been more competent to decide on the execution of the purposes of the expedition; yet that house was unquestionably the best tribunal to examine into, and decide upon, the general merits of the question; for no court was capable of more patient investigation, or of distinguishing the real nature of the case, and separating it from those calumnies with which it had been so abundantly connected. Another advantage of this mode of investigation was, that the public would never have implicitly believed, that any judge advocate would have anxiously elicited those parts of the subject which pressed hardest upon the government. Here, how-

ever, it had been fully and rigidly examined, and the house would do him the justice to own, that he had not been backward in bringing forward every information that could throw light upon the matter in issue. And though he did not mean to cast any imputation on the gentlemen opposite, of unfair conduct in the prosecution of the inquiry, he might be permitted to say, that they had not so completely managed the advocate in the judge, as to leave any thing bearing upon this question, or that might appear to bear upon it, unproduced. There was hardly any point connected with the subject, of which the public was not, or might not have been informed; and it was remarkable that in the whole course of this inquiry, hardly any question had been prevented, or rendered the subject of dispute; so that he might consider the whole conduct of the government with regard to this operation, as having been brought to a fair, full, and difficult issue. Having stated this much as to the situation in which the subject stood, and the manner in which it had been brought before the public, he would add, that there was a singularity in this case that distinguished it from all other inquiries; for the house was called upon to decide not practically whether a plan which had been put in a course of execution had or had not failed, but speculatively, whether, if the expedition had arrived at the expected period at its previous destination, it would or would not have been successful. The government was called upon to answer—not for an expedition that had been tried and failed, but for one that had neither been tried nor had failed. The observation of an honourable gentleman, that the lion of France had swept us off with his tail, or something to that effect, was altogether misapplied. It was not the same question, whether the expedition had arrived at its previous destination early or late in August; and he insisted, that, as matters turned out, the ulterior operations had never been fairly brought to the test. (*Hear, hear!*) When he stated this, he hoped it would not be imagined, that he wished to evade the question, or that he was unwilling to meet it on any grounds that gentleman might choose to adopt. (*Hear, hear!*) He had even travelled out of his way to produce arguments against himself, because he felt that government stood in this business on a rock not to be shaken. He then called the attention of the house to the written military opinions, which had

been so much dwelt upon. There were five military opinions and one naval opinion, which had been considered as extremely unfavourable to the undertaking of the expedition. He had been asked in his place, what had been his opinion of the general complexion of these papers, and he had stated the reason why he had declined to answer that question at that time. He had no intention to evade it, but had only declined answering till he had an opportunity of entering upon such explanations as the nature of the subject demanded. And here he would candidly confess, and would afterwards give the necessary explanation, that had it not been for a circumstance to which he would in its proper place advert, he would not have called for these military opinions at all. The question must rest on general grounds of expediency, and he argued that government was not obliged to produce written military opinions in favour of the expeditions which it might judge proper to undertake; and he did not know that he could have laid on the table written military opinions on any other expedition in which he had been concerned. He would now state his reasons why he did not think these written opinions essential. The house would observe, that the generals made a distinction between their formal written opinions and such as they might have given in the course of conversation. If the object were to throw the responsibility on the officers, the way would be to call for opinions on papers; but if the object was merely to gain information, then the best mode would be to take the opinions of generals in conversation. Government had the opportunity of ascertaining the opinions of Lord Chatham and others in the most advantageous way. If you wanted a formal opinion, you must state a dry case, in which it would be impossible to introduce all the circumstances weighing on the minds of government, and therefore what would be its value after you had got it? The house must see that in practice of government it was utterly impossible always to act upon formal opinions of this kind, and he would now state why he called for these opinions at all in the present instance. It had never been his intention to throw the responsibility upon the generals, though he certainly had a variety of consultations with military and naval men for weeks before the expedition had been decided upon. Some of them were mistaken when they thought,

as they stated, that the expedition had been decided upon previous to the consultations with them. No decision took place till the month of June, as he had stated in his evidence. He took his majesty's pleasure on the 14th of June, reserving the question of the landing at Santvliet, which was decided by the admiralty on the 19th, and the whole had not been settled till the 21st. There were two modes of operation under consideration; the one across the continent by Ostend, the other by the Scheldt. That by the Scheldt was considered as very difficult by the admiralty, though the difficulty diminished as the point was more carefully examined; and the other was considered as much more difficult by the army. He certainly was of opinion that the operation by Ostend was the most difficult; but at the same time, as this was a matter of some doubt, he had called for these written opinions, and he was happy that he had them to produce, because they proved that ministers had not undertaken this expedition with all that ignorance of the difficulties to be encountered, which some had laid to their charge. But, though for the reason stated, he had called for these opinions on this occasion, he put it to the right honourable gentleman opposite (Mr. Windham) whether in the practice of government it was always held necessary to call for such military opinions, and consider them as the sole ground of determination, with regard to the propriety or impropriety of military expeditions? Such opinions would form no justification of bad measures. The right honourable gentleman was a generous opponent, and had proved that he could do justice to the triumphs of the country, even when they had not fallen into his own hands. He would ask him, whether he acted on such military opinions in the expedition which he had sent to South America? He had certainly found no such opinions in the office. He did not mention this as a justification of himself; but it proved at least that he was not to be quite borne down from the want of military opinions in favour of the expedition. He had been influenced by the opinions of the general officers, in the sense in which he understood them to have been given; but he argued against the principle, that government was at all times to be guided by such formal opinions, which were often necessarily given on narrow grounds. He likewise contended, that it was not the duty of government to be

acquainted with all the minute difficulties which an expedition was always liable to encounter. He asked the right honourable gentleman opposite, whether he had a plan of the arsenal at Constantinople? To give an instance of the considerations by which he conceived governments should be actuated in these cases, he had adverted to the Rochfort expedition, undertaken under the great Lord Chatham, which, he asserted, closely resembled the expedition to the Scheldt. The house would observe that the parliament of that day thought very differently from the gentlemen opposite;—for though the expedition failed, Lord Chatham was warmly applauded.—He read some passages from the instructions in order to shew what had been the ideas of Lord Chatham with respect to military opinions on expeditions of this kind, and his sense of the duties of government in undertaking them. In almost every sentence of these instructions the word *practicable* occurred. The commanders were ordered to execute a variety of purposes as far as, upon examination, they should be found *practicable*. He did not think it necessary to determine upon every minute particular at home. He gave general instructions, leaving much to the discretion of the officers, who were to act upon them as circumstances should permit. Sir John Mordaunt, who commanded the expedition, did not sail with a decided opinion of its practicability, and wrote a letter stating the difficulties, and asking for more minute instructions. The answer of Lord Chatham was, that the commander and the other officers should judge according to circumstances, as his majesty held it to be prejudicial to his service to give strict directions with respect to operations of the contingencies of which he could not be aware. (*Hear, hear!*) These expositions must then depend upon a broad view of advantages and disadvantages, which it belonged to statesmen and not military men to calculate and balance. The expedition therefore must be justified on the *rationale* of the case, and not upon military authorities. This was his view of the subject.

Having premised this much as to the nature of the influence which such opinions ought to have with governments, he entered upon the examination of the written opinions on the table. There were two opinions which certainly appeared to discourage the undertaking, he meant those of the commander-in-chief and of Colonel Gordon,

but he never understood that they intended positively to state, that the operation was either impracticable or impolitc. If they had, they would, no doubt, have protested against it. The commander-in-chief stated, that this would be an enterprize of great risk—and the risk, in his contemplation, arose from the facility with which the French might bring forces together to oppose it from various quarters, and in a short time. Now this depended on the information possessed by government, and belonged to another part of the argument—and therefore the fact was, that the commander in-chief only gave a conditional opinion. As to Colonel Gordon, no one could hold the judgment and ability of that officer in higher estimation than he did; but when Colonel Gordon stated that the operation would be one of extreme hazard, it was necessary to examine to what circumstance he applied these expressions. He had a peculiar plan in contemplation at the time, namely, that the gun-boats should push up the river immediately, towing launches with troops, for the purpose of storming the town; and he agreed with Colonel Gordon, that this would be a desperate enterprize, and, as appeared upon the evidence, impracticable. But the plan which was in the contemplation of Colonel Gordon at the time he gave his opinion, was not that which had been adopted by the government. If he had applied the reasoning to other plans, he would have the opinions of Lord Chatham and General Brownrigg, and even of Sir John Hope against him; for they thought they might have got to Antwerp if they had been able to land on the Continent early in August. As to the other opinions, the expedition had been encouraged by them as a diversion in favour of Austria; and some of them even went the length of supporting the idea of a *coup-de-main*, though there was a difference of opinion as to the precise meaning of the words, which he took in a larger sense than the gentlemen opposite seemed willing to assign to it. These were the general grounds on which he did not think the military opinions binding on the government; and now he would proceed to state fairly the grounds on which they had acted. He would maintain that they were not only justified in sending out the expedition, for he would not rest solely on that, but that they were bound in duty to make the experiment. He would not argue, however, on the narrow grounds which had been taken by

the noble lord opposite. Antwerp was unquestionably a great object of the expedition, but it was not the sole object. There were others to which he would presently advert. But he wished first to call the attention of the house to one or two very material circumstances. It had been proved by the inquiry, that government could not have sent out the expedition at an earlier period. It had also been ascertained, that there was no other service which could have been put in competition with this. And he would ask, whether a great proportion of the disapprobation of this expedition did not arise from two opinions very extensively prevalent in the country? 1st, That by this operation government had turned their backs on the Peninsula; and, 2d, That in the pursuit of selfish objects, they had neglected the North of Germany, where it was imagined such armament might have been of essential service to the general cause. He had felt it his duty to bring before the house the demands of Austria as far as he could do so in consistency with the public service, in order to shew how far they could have been complied with. He had been excessively anxious to do this, to shew that government had not solely attended to selfish objects, but had acted on the principle of keeping the general cause as much or more in view than our own immediate interests; and he had been the more anxious, because an injurious impression had gone abroad against the government, from an idea that they had injured the general cause by a culpable neglect of the Peninsula and the North of Germany. He hoped the public would not allow itself to be again drawn aside by the magnificent projects of those military and literary gentlemen, which they stated as easy of execution, without at all considering the means in the hands of government. Another thing of which they were now clear from the imputation was, the sending out an imperfect and ill-provided armament. As to the motives which actuated the government in sending out this expedition, he and his colleagues had entered largely into the views of advantages and disadvantages. They were anxious to employ the armament, not so much for any narrow interests of this country, as for the advantage of the general cause. This was the only way, however, in which it could be employed. In opposition to the noble lord opposite, he argued that it had created a diversion in favour of Austria. In inquir-

ing into the policy of the expedition, the house would consider the time it had been decided on, and the extent of the armament, which consisted of about 40,000 effective soldiers. Four days before they took the pleasure of his majesty on this enterprize, they heard of the battle of Aspern, which had been fought with about 75,000 men on the side of the Austrians, and about 100,000 on the part of the French, and in that battle the French lost little short of fifty thousand men. When the fate of the world was in this manner contended for, would they have been justified in looking on inactive and indifferent? Ought they to have considered 40,000 British soldiers as so little worth, that they should leave Austria to contend alone without this diversion in her favour? France had drained of troops the country about Antwerp, both before and after the battle of Aspern; and were we to make no effort under all these circumstances? They had heard of the armistice only a day or two before the expedition sailed; but there was enough of British object to render it an expedient operation independent of the diversion in favour of Austria; and he had no doubt that it had a considerable influence on the subsequent events on the continent. It had been said, that no troops had been brought from the Danube to oppose this expedition. But if troops were detained by it at Antwerp, which would otherwise have gone to the Danube, the diversion was as complete as if troops had been brought from the seat of war. The enemy were afraid at that time of a general rising in the North of Germany; but it would be asked, why had not the expedition been sent to that quarter? In the first place, government had not the means of sending them there, and it would have been cruel in the highest degree to have encouraged an effort there which you had not the means of supporting. However cheap the gentlemen on the other side held this armament, the enemy had ordered the evacuation of four fortresses in the Prussian territory with a view to act on the side of Antwerp. They had likewise called troops from the Rhine; a very small number indeed, but so much the better for his argument, because this proved how small a force the enemy had in that quarter. That the armament did produce a diversion in favour of Austria, he thought a point too plain to admit of dispute. The disposition of government always had been to attend particularly to the general cause; and if

that and any partial interest of this country had come into competition, they would without hesitation have decided in favour of the former. That the destruction of the naval strength of the enemy in the Scheldt, was however a great object with his majesty's government it would be absurd to deny; and that able and experienced officer, Commodore Owen, had proved how desirable it was with a view to the security of this country to effect that object. He had stated, that of all the points of the enemy the greatest danger was from Flushing, connected with the naval arsenal in the Scheldt. But another mode of arguing had been adopted by the noble lord on the other side. They (the ministers) were not to be allowed the benefit of calculating upon any military chances in their favour. They were called upon to shew that they had strong grounds for expecting success, upon the supposition of the extremity of defence on the part of the enemy. Every thing was held to be in the highest state of preparation on the part of the enemy, and it was presumed to be impossible that he could be subject to any adverse chances, and all this being taken for granted, the government was called upon to prove that they had under all this disadvantage the strongest ground to expect complete success. If an estate were to be sold, and the title deeds laid before these learned gentlemen, they would say the deeds were bad, and then go and purchase the estate the next morning. (*A laugh.*) In military and learned matters they would find military and learned answers, but still their opinions could not be entirely depended upon by the house.

The conquest of Walcheren had been represented as in no way necesary to the ulterior objects of the expedition; but he wished to know if that object, considered as a secondary one, could be looked upon as contemptible, which involved in its conquest the reduction of Flushing. The reduction of Flushing was of itself an object of no considerable consequence. With respect to that most important part of the inquiry which related to the medical department, he was the less anxious to lay any great stress upon that head, as it was hereafter likely to become a subject of distinct public animadversion; as far, however, as related to the unhealthy nature of the Island itself, he did not deny that the government were apprized that Walcheren was unhealthy, but he never

knew, that with respect to projected conquests in unhealthy climates, that no national considerations could by any possibility exist, in which the carrying such projects into execution could be justifiable. He knew not upon what military reasoning the government could be justly charged with committing the safety of an army in this attempt, to compass such an enterprize. It was notorious, that in a very fair portion of our history, in the reign of Elizabeth, that Flushing, Walcheren, Grill, and some other of the Dutch islands were held by the government of this country for the space of thirty years. Neither could they have forgotten, that at so late a period as the year 1794, this country had given practical proof of her designs upon those islands. The truth was, that the reduction of Walcheren had been long under the contemplation of successive governments. (*Hear, hear! from the opposition benches, which were answered as loudly from the ministerial.*) He denied that there was sufficient grounds for believing that those plans had been successively abandoned, merely on account of the unhealthy character of the island. Nor did he think it fair to argue the broad question of the practicability of the expedition, upon the mere ground of medical inexpediency. Besides, admitting the acknowledged unhealthiness of Walcheren, was it to follow, that the whole of the army had been committed, when it was in evidence that the country about Antwerp was one of the wholesomest countries in Europe? This came out in the evidence of General Brownrigg; therefore, while he admitted the partial risk as to Walcheren, he denied that the planners of that expedition were chargeable with the speculative unhealthiness of the whole army—to say nothing of the expectation they had with such justice entertained of their being able to strike a blow against the enemy's ships before they had time to get up into the narrow part of the Scheldt. There were rational hopes that, if the wind had been favourable to forward the advance of our squadron, we might have got possession of the ships before they got up to Lillo or Liefkenshoeck. But he now came to the most important question, which was, whether, under all the circumstances of the case, the advantages to be expected from the success of the expedition were of a nature to compensate for all the military risk encountered in our attempt to carry into effect the objects of that ex-

pedition. He thought this should be the main ground upon which they should bottom both the defence of the measure, and the objections that were to be urged against it; now what, he would ask, were the risks that had been run? Why, first that respecting the health of the army, and here it was to be remembered that the sickness was much greater than had been calculated upon by the medical opinions to which the government had resorted; besides this risk was in fairness to be confined to that part of the armament to be employed in effecting the reduction of Walcheren, at least, it was not to be expected that the government in planning the expedition was to have calculated upon greater risks in this respect. Now, the next risk to be considered was that respecting the expense; and here he was glad to be enabled to call for the sanction of the honourable gentleman at the other side; they could not, who were such warm friends to national economy, find any just grounds for censure with respect to the article of expenditure. Whatever objections the expedition, either in policy or conduct, was subject to, it was certainly not liable to the objection of unnecessary and extravagant expense. The city of London, in the warmth of their indignation, charged the government with scandalous waste of the public money, to the amount of no less a sum than fifteen millions sterling. (*A laugh.*) This enormous charge had, however, since subsided, to the reduced accusation of wasting five or six millions only. (*A laugh.*) But unfortunately it did so happen, that the whole expenses fell short of one million. He could not state the exact numerical sum; but he could distinctly affirm, that the difference between the expenses created by the expedition, and those of supporting the army at home, could not be found to amount to a million sterling. He pledged himself, that, on the fullest calculation, they could not bring it up to one million. And indeed if gentlemen, instead of judging of it in that wholesale way, had examined into the peculiar circumstances of the expedition, they must have found that the expense must necessarily have been comparatively small, for the navy had been employed in conveying the troops, and they had a large military establishment, that could not have been paid off, though remaining unemployed. The next risk to which he should advert, was that of the military risk generally speaking; and under this head the

the first point to consider was the nature of the information received by the government, and how far they were justified in giving credit to it, and in acting upon it. And here he would beg leave to state, as a general proposition, that so far from the government being justly chargeable with the want of information, with having embarked a large army without the necessary information, that it did appear from the evidence before them, that the government had been actually in possession of peculiarly great information. He would state what description of information—it amounted in substance to this; that the government did know in what state the enemy's force were at a given petiod, and that period too not extremely remote. To the information generally, he concurred in applying the observation of Sir John Hope, that, as far as that information respected the exact number of the enemy's force, it generally proved, and might naturally be expected to prove, extremely loose. He said that, as to numbers, he would not rely upon such information, unless confirmed by other circumstances. The official document of the first of September, 1809, was, as far as it went, matter containing information that might be relied on. It appeared from that document that the French army were distributed along the banks of the Danube; after they had beaten back the Archduke at Ratisbon the French swept the Low Countries. The Netherlands had been drained of all their military force. He would then suppose that at this juncture our army having arrived at Fort Bat.., they would take into consideration the state of the enemy's force, as appeared from the quarter-master-general's account, in his letter to the general officers of the 26th of August, it was believed that the cantoned forces between Bergen-op-Zoom and Antwerp, was the largest division of the strength of the enemy in those forts—that force did not exceed 15,000 men, and the total did not go beyond 30,000; but this force included the crews of the enemy's ships, the artizans, &c. Here then, in taking the latest period, he was taking up the ground most hostile to his own argument, which presupposed more favourable circumstances than those that had occurred by that period; if however, the crews of the enemy's ships were included in the 30,000, he presumed that it was but fair that the seamen of our navy should also be counted, which, with our army, would

give a total force amounting to no less than 43,000 men, taking credit for our naval force. He did not ask the house what must have been the result of such an unequal contest; but he would state it as his conviction, that 10,000 British troops would have beat the army then in Holland, if the latter had come out to meet them; for he denied that the army of the enemy in that quarter, at that period, could be justly called an effective regular military force; he would not degrade the military character of this country, that there could be a doubt of the result of an engagement between both. He did not pretend to the foresight of those who would have the particulars of the manner in which any battle should be fought, before the hostile parties had come upon the ground. He knew not of any way of getting at such anticipation of military dispositions ready cut and dry, and suited for any, the most unforeseen occasion. We knew that it was at first a very general opinion that the service was merely a land service, and did not admit of co-operation on the part of the navy. It had however, so happened, that there was no one truth that was proved in evidence more distinctly established than that of the service being a conjoint one, and the whole armament a co-operative force of the army and navy. What had been the evidence of Sir Richard Keats? He said that he was instructed to co-operate with Sir John Hope in proceeding up the East Scheldt. The evidence of Captain Owen also proved it; as did likewise that of General Brownrigg. But with respect to the ulterior objects of the expedition, some were disposed to think that government had betrayed an absurd credulity, in being led by any information to believe that Antwerp might be taken by a *coup de main*. He could only say, that the government had received more information as to the comparatively defenceless state of Antwerp, than in nine cases out of ten they were ever furnished with. General Brownrigg, an officer who gave his evidence in a manner that did equal honour to himself and his profession, had seen the works of Antwerp, had been in Antwerp in the year 1794. General Brownrigg thought that if the rampart had been assailable, we might have taken Antwerp without establishing batteries against it, or without bombarding it. He thought too that it was so assailable, from the state in which he saw it in 1794, and from having

heard that nothing since that period had been done to it. But he would ask the house if it was thought to be at all times necessary that government should be in possession of accurate information of the state of the fortifications of any citadel or place, which it sends out an army to reduce? Were government in possession of the nature of the fortifications of Monte Video, when Sir Samuel Auchmuty was sent out to attack it? He could mention several other instances, and upon a point of this kind, he knew of no witness of more importance than the quater-master-general; he was willing to admit the merit of the manner in which the noble lord had throughout conducted this inquiry, in a way to do him much personal honour; but at the same time it was singular that that noble lord should have closed the inquiry upon his part before he had thought it necessary to call the quarter-master-general, who, upon such points, must be admitted to be evidence of the first authority. Nay, he would not hesitate to affirm, that the house, but for his testimony chiefly, and that of one or two more officers, would have but a very narrow and partial view of the question. Sir William Erskine had differed from General Brownrigg as to the strength of Antwerp. Antwerp had not been defended these three hundred years, not since the Duke of Parma's time; yet Sir William Erskine thinks it would take twenty-one days to bring the materials for a siege before the town, and the same length of time to effect its reduction. Sir William was no doubt a very able officer, but it appeared that he had not seen Antwerp for sixteen years, when (then Major Erskine) he served as aid-de-camp to his father. Another evidence to the information on the part of the government was that individual who had been sent out for the express purpose of ascertaining the strength of the works of Antwerp; there was reason to rely upon the tried fidelity of this person, whose information in other instances had been found to be so accurate; he would here contend, not only that government were bound to credit his information, and, believing it, to act upon it, but also that such evidence ought to have more weight than all the other evidence that they had heard upon that point. But he had been distinctly asked by the noble lord, upon what ground the opinion had been bottomed of taking Antwerp by a *coup de main*? He would here read a part of the evi-

dence of the quarter-master-general. The question put to him was:

Do you differ with Sir John Hope in thinking that at no time we could have got possession of it without erecting works and bringing heavy ordnance, &c. before the place?

To this question the answer, which has been already alluded to, was as follows:

I think that if the rampart of the place had been assailable, we might have taken it without establishing batteries against it, or without bombarding it; Sir John Hope, I believe, never was in the place; I conceive, from the state in which I saw it in 1794, and understanding nothing had been done to it since, that it might have been possible to have found it in that state.

You have spoken of the ditch which surrounded the works of Antwerp in one place being crossed by a stone bridge, and of the greater part being occupied by gardens; do not you think that bridge might have been very easily destroyed if the enemy was desirous of destroying it? There is no doubt of it; a bridge is very easily destroyed.

The Noble Lord then went into the military distinctions attached by some military authorities to the notion of a *coup de main*, which were not included in it by others. It seemed, for instance, as if Sir David Dundas conceived that that operation, which was aided by artillery, was not a *coup de main*. When General Ligonier had been commander-in-chief, an expedition was sent out against Rochefort in the year 1759, under Sir John Mordaunt. Here the noble lord read extracts from the evidence given at the bar of the house by Sir John Ligonier, the subsequent inquiry, which went to shew the supposed practicability of a projected *coup de main* against even works of formidable strength. But Antwerp had no outworks; besides, Copenhagen was beyond all comparison stronger; it had a large water defence, and, in our attack upon it, if our shipping could have got within the inner water defence, we would have reduced Copenhagen in half the time. But, gentlemen, would not be content with probabilities. They called for certainties; the question was, are you certain of success? as if any military man could possibly, in any case, answer so absurd a question unconditionally in the affirmative. Antwerp, if it had

not however been found assailable, might have been reduced by bombardment, and the ships upon the stocks, and the arsenals, might have been involved in one common destruction; and if they did not destroy, they might have succeeded in considerably annoying the ships afloat; the citadel could not have been so formidable; it commands the town, and was anciently erected for the purpose of keeping it in awe. It had been taken in eight days. He next commented on the credulity of the information received by Sir William Erskine, which he thought to be very questionable; it was to the following effect, that—

"On the 8th of August, it is stated in the intelligence communicated by Sir William Erskine, that at Antwerp there were about 2,000 French, and upwards of 1,000 Dutch troops of the line; "besides this force," it is said, "all the workmen in the arsenal of Antwerp have been "organized and trained for these two years past, they "amount to 5 or 6,000 men, regularly officered, and disposable for the defence of the place; the crews of the ships "amount to upwards of 11,000 men, also disposable for "the same object; between 4 and 5,000 Dutch infantry, "and 5 squadrons of cavalry, on their march from North "Holland; troops moving in every direction from France "and Holland in waggons: it was reported that all the "waggons in Brabant were put in requisition to bring "15,000 of the French Westphalian army; and it was "thought that within ten days the French would have "an army of 40,000 men."

With respect, however, to the ships having gone beyond the citadel, and having all their guns in, he could not find, in the course of the evidence, one single fact which proved that the ships had at that time passed the citadel. They had not gone up as far as Dendermond, or if they had advanced so high, we, by securing the military command of the country, might have cut them off. He ridiculed the idea of such an army as we had, supposing it in health upon the 25th August, after having been supposed to have reached Santvliet on the 3d, being put into a state of jeopardy by an irregular army of conscripts and custom-house officers. General Gratian was then under orders for Stralsund, another French corps was on the march to Bremen, and those could not have been brought back before the latter end of September, and at

such a crisis, was nothing to be hoped for from a diversion acting then and there? Ask the French emperor what was the situation of some of his own departments, which had been suffering under his anathemas, under his inflictions by another kind of *ban* and *arriere ban*, at a period too when there was no force at Antwerp: for it appeared in the evidence, that Antwerp had not any respectable force before the 21st and 22d of August. According to the depositions of Sir William Erskine, our army might have reached Antwerp on the 6th of August, and if they did, it was ascertained, notwithstanding that extraordinary celerity of preparation so much attributed to the French, the garrison would have been found quite in an unprepared state. In fact, even the clearing out of the ditches of Antwerp did not begin until the 6th of August, nor the inundation until the 5th, and had our army reached it about that time, there would have been every reason to calculate upon success. Such was the actual state of things, although the enemy were always asserted to be so vigilant, and so much on the alert. But in this case, he firmly believed, that they were taken completely by surprize. It appeared, no doubt, from the report of Monet's trial, and other articles in the Moniteur, that the enemy apprehended an attack from us so early as April; but as to the time or point at which it was likely to take place, he was persuaded of their ignorance. Such indeed was the nature of that ignorance, that an alarm was created by the preparation of General Craufurd's expedition in the Downs, although destined for Portugal; and really the French appeared not at all assured or aware of the destination of our late expedition, until it actually entered the Roompot. He meant that the gross of our force was unexpected until the moment of its landing, although the apprehension of a visit from us had prevailed for some time. It was stated, that the French minister of war had formed a project of defence, and issued orders accordingly from Paris upon the 1st of August; but from the rapid communication of intelligence from all parts of the enemy's territory, it was quite probable that the French minister might have received an account of our landing at Walcheren, and ordered the movement of half a dozen broken regiments to Antwerp at the period alluded to, without having any precise intimation of our destination until the expedition actually landed. But that Antwerp

was previously garrisoned, or adequately fortified, all circumstances concurred to contradict. For although Buonaparte might endeavour for his own credit, and the satisfaction of his subjects, to boast of his vigilant attention to all the means of defence, it was clear from his conduct, since the return of our expedition, that Antwerp was not in a state of adequate defence. But had that been the fact at the time he so boasted, what occasion had he since to issue special orders that the works of this city should be further extended and repaired, that the whole should be completely fortified? The noble lord here took occasion to observe upon the question which the resolutions proposed. These resolutions appeared to call upon the house to pronounce an opinion, not upon an operation which had actually been undertaken and failed, but upon a speculative military plan, the failure of which was predicted by authorities, who delivered their predictions and sentiments upon the conduct of government, in total ignorance of the information which that government possessed and acted upon. Would the house then decide on such grounds? would they determine that had Antwerp been attacked failure must have followed, because Sir William Erskine was unfavourable to the attempt, both before the expedition sailed and since its return; because Sir William Erskine, from the knowledge he had of Antwerp, in the year 1794, without any information whatever respecting it since that period, and in complete ignorance of the intelligence received by government, had thought proper to disapprove of the undertaking altogether. Really, with all deference to Sir W. Erskine, he was free to say, that had he been fully apprized of his opinion, even before the expedition was determined upon, he should not have thought himself justified in allowing an opinion, resting on such grounds, to affect in any degree, much less to shake his determination on that subject. Certainly an opinion so grounded was not at all to be put in competition, with the information and opinions which government had received from other officers. Then, as to Lord Rosslyn, it was also to be observed with respect to that noble lord, that he was not aware of the information which government possessed, and of course not competent to judge of the policy upon which they acted. He could not find indeed, that that officer grounded the opinion upon any precise information. There appeared

no proof whatever that Antwerp was fortified, but that which some of our generals collected from general assertion, from loose rumours, and the report of a stone mason, who stated that he worked upon the fortifications of that city in 1809. But was it possible that such a place as Antwerp could have undergone a thorough repair, could have been completely fortified, without the knowledge of the surrounding country, without the knowledge of any of those numerous individuals at Walcheren, who were heard to assert the contrary? Did the generals learn any thing at Walcheren to induce a belief that Antwerp was so strongly fortified? Did not Lord Chatham at the outset state, that he looked with confidence to the attainment of the ulterior object of the expedition, and did he ever begin to doubt until he had arrived at Bathz? Then it was alleged that the works of Antwerp had been completely fortified, and that an attack upon it must fail. This also was the opinion of Lord Rosslyn. But, against the opinion of those officers, he could put that of General Brownrigg, who distinctly stated, that had our army approached Antwerp early in August, there was fair ground to calculate upon success. Was the house then prepared, as the resolutions proposed, to decide between such contradictory statements, to determine upon such a litigated military opinion. The house was, by these resolutions, called upon to pronounce a most serious sentence against the conduct of government, that it had undertaken an expedition where there was no chance of success, where, in fact, failure was certain. Was the house ready to come to such a conclusion? For himself he would declare, that were his concern in this expedition to have been the last act of his life, he should have felt himself bound to engage in it in discharge of a great paramount duty, and if that government had shrunk from it through any fear of responsibility, through deference to any or all the opinions quoted by the noble mover, or through any consideration of the risks inseparable from such an enterprize, it must have lost in honour and in character. If, indeed, under all the circumstances, government had declined this undertaking, he should think that his task this day would have been to defend them against the resentment and indignation of that house and the country. If government could have been so supine as to allow a great naval depôt of the enemy to go on improving and

and undisturbed, if it could have permitted an opportunity to pass by of creating a diversion in favour of the continent, he should to the last hour of his life have thought that government disgraced, he should have trembled, indeed, for ministerial responsibility. But there was great danger and great risk in this expedition, so there was. But he was yet to learn whether that house would be willing to restrain the martial spirit of this country, by the rigid precepts of cold precaution or mathematical calculation; whether a rule of action was now to be established different from that which had heretofore prevailed; whether those principles were to be abandoned, through which the nation had acquired such distinguished glory, through which the fame of our navy had been so eminently advanced, and the fame of our army was so rapidly advancing? Was it, he would ask, by a cold consideration of risks, by a spirit of tame precaution, that Nelson conquered at Copenhagen, at Aboukir, and at Trafalgar? (*Hear, hear!*) and was it under the influence of such a spirit that Wolfe ascended the heights of Quebec? that Lord Melville sent an army to conquer in Egypt? that Sir John Stuart achieved the victory of Maida? or that our gallant troops produced the evacuation of Portugal? which, however gentlemen might quarrel with the convention of Cintra, must always be regarded as a glorious feat. (*Hear, hear, hear!*) Was it possible that that house or the country would ever encourage the propagation of a spirit different from that which led to such splendid results, by countenancing the doctrines by which some gentlemen were so anxious to appreciate the undertaking of the late expedition to the Scheldt? But if the stiff hand of death were thus to lay hold of all our military enterprizes, by the application of those rules which the gentlemen on the other side of the house professed to advocate upon this occasion; if parliament should impose such fetters upon military undertakings, then there would be an end to the prospect of national honour, then would France have reason to rejoice, for then, indeed, should we have committed a suicide upon our martial spirit. (*Hear, hear!*) At the same time that he made these observations, he would not be understood to recommend the hasty adoption of any military project, far less the undertaking of any rash, chivalrous expedition, where the object in view was of no importance, while

the pursuit of it was pregnant with danger. But how different was the character of the measure under consideration! If the expedition to the Scheldt stood alone a justification upon the policy of creating a diversion favourable to the cause of the continent, he should have thought that quite enough to warrant the proceeding. He should, indeed, contend, that it would have been amply warrantable if it had nothing else in view than the destruction of a great naval arsenal of the enemy. But, when both those important considerations were combined, when we had to look not only to the interest of the continent, but to our own interest and safety, could the propriety of the undertaking be questioned? Could ministers shrink from it without incurring the imputation of a dastardly degrading fear of responsibility, without betraying a greater solicitude to escape censure than to deserve praise, without exposing themselves to the charge of preferring the tenure of place to the performance of duty, and of sacrificing important public interests to petty, personal considerations? (*Hear, hear, hear!*) The noble lord concluded with stating his inability to decide upon the merits of the whole of the resolutions, from the mere cursory reading of them which the house had heard. How far the resolutions, as to matter of fact, were correct or relevant to the question before the house, he could not at present determine; but as to the resolutions of opinion, he had no hesitation in expressing his intention against that which proposed to censure the policy of undertaking the late expedition.

Mr. Ponsonby rose amidst a cry of "Adjourn! Adjourn!" upon which the right honourable gentleman disclaimed any wish to press upon the members of the house, if it was unwilling that the debate should extend further than to night. But there being a general call to go on, the right honourable gentleman proceeded. He observed that the noble lord who had just sat down had, at the outset of his speech, remarked that there was a manifest spirit of prejudice on his side of the house against all persons concerned in the expedition to the Scheldt. This was a charge which he was surprized to hear from the noble lord, as it certainly was one which he, of all others, was not justified in making. For the conduct practised towards him gave the noble lord not even an excuse for such a charge. Indeed, that noble lord had not only

been treated with liberality in this business by that side of the house to which he now applied his accusation, but he had on other occasions experienced its lenity. (*A cry of hear, hear!*—proceeding, as we suppose, from an implied allusion to the decisions respecting the transfer of the writership to Lord Castlereagh for the purchase of a seat in the house of commons, and also to the case of Mr. Dick's seat.) The noble lord had told the house, that the military opinions upon the table were not consulted as to the policy of undertaking the expedition, for that was previously determined upon, but as to the manner in which that expedition should be conducted. The right honourable gentleman, in consequence of some motion from Lord Castlereagh, asked, what did the noble lord mean? Was he to infer that ministers did ask these military officers for their opinion, with a view to enable them to come to a decision upon the policy of the expedition? If ministers applied for these opinions, why did they not abide by them, or if not, not consult other opinions? What was the advantage of asking military men for their opinions, when it was determined to act in defiance of those opinions? The noble lord stated truly, that all those military opinions were not equally encouraging; but he should have rather said, that they were not all equally discouraging. Certainly that would have been the more correct description. For what was the fact? Some doubted the practicability of success, others thought the attempt desperate, and others conceived that there was no chance whatever of escaping failure—not one pronounced the attainment of the ulterior object of the expedition as at all likely. All the probabilities then were opposed to the project of the noble lord; but still he persisted, alleging, that those military opinions were not to be regarded, because the officers who delivered them were ignorant of the facts; were not in possession of the information which government had received. This certainly was an extraordinary statement. Why did not the noble lord put these officers in possession of the information alluded to? Why call upon them to decide on the merits of the case of which they were ignorant? It would not, surely be pretended, that such officers were not worthy to be trusted. The noble lord contradicted in his speech that night what he stated in his instructions to Lord Chatham. For in the one he states, that the de-

struction of the enemy's fleet and arsenals, was the principal object of the expedition; while in the other, it appeared, that the principal object was the creation of a diversion in favour of Austria. The noble lord deprecated the idea of deciding on this case, upon a project which was not tried; which was not prosecuted in such a way as to enable the house to determine whether the undertaking was wise or unwise. But what did the noble lord mean by an observation of this nature; did he mean to blame Lord Chatham for not advancing to Antwerp to bring his scheme to trial; did he mean to attach censure to the naval and military commanders for not doing their duty, for not following up his plan, and that that plan failed only because it was not fairly tried? If the noble lord's observation had any meaning at all, it certainly was that the army should have attacked Antwerp. But as to the place chosen for a diversion in favour of Austria, the noble lord truly would not land in the north of Germany, because he thought it would be unwise to encourage the inhabitants to provoke, by aiding us, the resentment of Buonaparte, against whom we had not the means of protecting them. We could not defray the expenses; so this great country was inadequate to support its army on the continent, and thus the noble lord contrived to gratify the taunts of the enemy. But as to the noble lord's feelings, strange, how much they were interested for the people of Germany, and how little for our own troops—strange how much the noble lord's humanity was excited for the Germans, although so little for the Italians, when he dispatched a force from Sicily to encourage a revolt in Calabria. (*Hear, hear!*) The noble lord's comparison of the fate of this expedition with the ordinary events of war, really struck him with astonishment; for in this undertaking, so far from being of an ordinary character, all the horrors of war were against our force. In every movement it was necessary that fortune should be in our favour, or failure must follow. Such was the opinion of both soldier and seaman. The one said that we might arrive at Antwerp in due time, if wind and weather permitted; the other, that we might so arrive at Antwerp if the roads were good, and our troops met no opposition! Thus all was to depend on fortune, and yet this the noble lord called the ordinary calculation of war. After commenting upon the various

and contradictory plans recommended and occasionally acted upon for the conduct of the expedition, the right honourable gentleman was proceeding to animadvert upon the evidence, when a cry of adjourn, adjourn, became general. The right honourable gentleman therefore concluded with expressing his willingness to comply with the wish of the house, and the motion of adjournment, until the following day, was agreed to.

The house broke up about half past two o'clock.

HOUSE OF LORDS.

TUESDAY, MARCH 27.

IRISH DISTILLERIES.

The order of the day being read for resolving into a committee on the Irish distillery bill,

Lord Darnley rose and expressed his satisfaction, that in the bill which had already passed the House, for suspending still farther the corn distillery in England, a clause had passed for exempting Ireland; but the present bill, his lordship observed, was not only a bill to permit the distillation of corn in Ireland, but to give a bounty on the consumption of spirits, already so generally and mischievously prevalent amongst the lower orders of the people in that country. This unfortunate propensity was carried to a length in Ireland, which no man could conceive who had not lived for sometime in that country; and he verily believed it was the greatest of all obstacles to the advancement of civilization, and the promotion of industry, amongst the lower orders of the Irish community. This fact he knew, not only from his lordship's own experience and observation, but from the assurances of many noblemen and gentlemen resident in Ireland, and from a member of the present Irish administration. Nothing, he was convinced, could ever remedy this evil but some efficient measure of decided encouragement to the breweries over the distilleries, whereby the common people might be enabled to substitute a wholesome and nutritious beverage in place of a liquid poison, equally ruinous to their morals, their health, and industry, and therefore he sincerely deprecated the encouragement given by the government to the distillation of spirits, unaccompanied by some means and check upon the excessive consumption.

Lord Bathurst rose to set the noble lord right with respect to the bill now before the house. It was not a bill

purely for the encouragement of distilleries in Ireland, nor to promote amongst the common people the consumption of spirituous liquors; but a bill to put down the clandestine distilleries, whereby not only bad and unwholesome spirits were distilled, but the consumption more than doubled amongst the people, by an evasion of the duty, and to protect the licensed distillers, who manufactured a pure spirit, and paid the king's revenue thereon. The noble lord, however, must see, that if the propensity of the common people in Ireland was so immoderate as described, for the produce of their home distilleries, it was not practicable to meet the evil in any way, without abolishing the distilleries altogether; and then the consumption would be supplied by foreign spirits. The present bill, so far as it went, would operate to repress the present extraordinary consumption; because, by abolishing the private stills, and protecting those that paid the duty, the price of the commodity would be considerably raised, and the consumption, of course, greatly lessened amongst the lower orders, inasmuch as their means of purchasing would be less adequate.

The bill was committed, and ordered to be reported to-morrow.——Adjourned.

HOUSE OF COMMONS,

TUESDAY, MARCH 27.

BREACH OF PRIVILEGE.

Mr. Lethbridge rose, pursuant to the notice which he had given when he last addressed the house. In rising to address them again on this subject, he felt great pain and reluctance, more than he had ever felt on any public occasion. He was now to prefer a complaint against a member of the commons of the united kingdom, for a violation, a gross and novel violation, of the privileges of that honourable house. He should not now go further, than by laying on the table the ground of the charge as admitted and authenticated by the author; he had marked certain parts of the document on which he founded the complaint which he had then the honour to prefer.

The Speaker wished to know, whether the honourable member desired that the entire of the publication, or only the distinct parts, should be read.

Mr. Lethbridge regretted the necessity of taking up the time of the house, when other business of more, or at least

of equal importance, was before them; but the manner of reading was indifferent to him; he had marked the passages, but had no objection to the reading of the whole.

Mr. H. Sumner thought that the reading of the entire was unnecessary; the convenience would naturally be best consulted by the paper being read only as connected with the charge. It rested with the honourable mover to select the parts with which the house was concerned.

Mr. Speaker.—"The form of parliamentary usage must be that which the parliament shall adopt; that form is, in instances like the present, that the whole complaint be heard, and then the answers which the accused has ready for his exculpation. The accused then withdraws, and the mover of the charge brings forward his proposition, founded on the matters which may have been submitted to the house."

The "Address and Argument of Sir Francis Burdett on the power of Imprisonment in the House of Commons," published in Mr. Cobbett's Register of the 24th March, was read by the clerk of the House.

After the reading, Lord Folkestone rose to order. The honourable mover (Mr. Lethbridge), on his calling the attention of the house to the paper which had been just read, had offered nothing of which they could fairly take notice. That paper, after an hour and a half occupied in reading it, supplied no peculiar charge; it must be for the honourable mover to make out the charge, for nothing could be more informal or absurd than to call on his honourable friend (Sir Francis Burdett) for an answer, till he had heard something more definite than the general contents of that voluminous publication.

Mr. Lethbridge, in reply to what had fallen from the noble lord (Folkestone), would only remind the house that he had professed himself ready to point out the passages on which the complaint was raised. He had stated that he marked those passages, but he had not thought it proper to press his opinion on the house, lest it might be said, that his complaint was supported by garbled documents. He intended, from the beginning, to adopt any line which the house thought proper to choose for him, because he had brought forward the matter only as affecting the house; he had no motive of personal hostility; he stood forward there out of respect to the country, and as the representative of as independent a body of men as any in old Eng-

land. He would now proceed to state those passages which he had marked. The first of these was one in the preamble of the address, containing the following extraordinary language:—

"The house of commons having passed a vote, which amounts to a declaration, that an order of theirs is to be of more importance than Magna Charta and the laws of the land, I think it my duty to lay my sentiments thereon before my constituents, whose character as freemen, and even whose personal safety depend, in a great degree, upon the decision of this question; a question of no less importance than this; whether our liberties be still to be secured by the laws of our forefathers, or be to lie at the absolute mercy of a part of our fellow-subjects, collected together by means which it is not necessary for me to describe."

The next passage to which he would call their attention was, that one in which the address talked of the place of imprisonment:

"If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York jail, as well as to a jail in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone those lengths yet; but what is to restrain them, if they are to be the sole judge of the extent of their own powers, and if they are to exercise those powers without any controul, and without leaving the parties whom they choose to punish any mode of appeal, any means of redress?"

"That I deny," says Mr. Lethbridge—(*A laugh*).

The next was from the conclusion of the address, which terminated in those words:—

"In doing this, I shall do all that now remains in my power towards the correction of this, as I deem it, most enormous abuse of power, and most dangerous of all encroachments upon the rights and liberties of Englishmen."

The next passage was, from that part of the publication which was entitled the Argument.

"Had not I been prevented, by indisposition, from being present when the house of commons passed by vote a sentence of imprisonment of Mr. Gale Jones, I should have endeavoured to shew, that, under the false notion of privilege, they were exercising a power, and committing an

act of oppression ill suited to the character of guardians of public liberty, and destructive of the first and most important object of the constitution, viz. the personal security of the subject."

The next passage was that commencing in the following words:

"Founded on such a basis, fortified by such authorities as I shall have occasion to appeal to in the progress of this inquiry, I have little doubt of being able to convince every impartial mind, that the house of commons, by proceeding to judgment—passing a sentence of imprisonment—issuing a warrant of commitment—has gone beyond its prescribed limits, acted in a manner inconsistent with the ends of the institution, and violated the fundamental principles of the law and constitution of the land."

The next passage was,

"By proceeding thus they have exercised a jurisdiction not vested in them, a jurisdisdiction beyond the limits of king, lords, and commons, while Magna Charta remains unrepealed; and repealed it never can be till England shall have found her grave in the corruption of a house of commons."—(*Loud cries of hear! from the opposition.*)

The next obnoxious passage was that subsequent to the speaker's warrant:

"Let this instrument, this thing, *sui generis*, be contrasted with the description of the properties of a legal warrant. Does it not evidently appear, that this piece of unsealed paper, signed by the speaker, by which an untried subject has been outlawed, bears no feature of legality; and that, from the commencement of this proceeding, in its progress, and to its conclusion, there is not one step that has not been marked in a peculiar manner with disrespect for the laws; a disrespect in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive?"—(*Hear, hear! from the treasury bench.*)

Mr. Lethbridge now called the attention of the House to a passage, which he thought would of itself substantiate all complaint; it was this:

"But no wonder when they have so entirely departed from the ends of their institution, as was offered to be proved by Mr. Maddocks, and acknowledged by themselves in the never to be forgotten morning of the 11th of

May, 1809, when, from being the lower or inferior (for it is the same sense, one being an English, the other a Latin word) branch of the legislature, they have become the proprietors, by burgage tenure, of the whole representation, and in that capacity, inflated with their high-flown fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people."

These were the specific passages on which the complaint was founded: on these he stood calling upon that honourable house to vindicate itself from a series of unjust and unjustifiable aspersions, and punish the violation of their privileges in what manner might, to their wisdom, appear most fitting.

Sir Francis Burdett said, that the honourable member (Mr. Lethbridge) must point out the nature of the charge. There was to his (Sir Francis's) mind no charge in the extracts which had been read from his address to his constituents. That address contained all of argument that he knew on the subject, and he could now add nothing to those arguments. The Address was his. The arguments which it contained were his; he was ready to see them subjected to the most rigorous inquiry; but till he should hear from the honourable member something in refutation of his principles, he could not undertake their defence. Was it to be supposed that the simple act of arguing on the powers of the commons was a crime? Would not the house endure even an abstract doubt of their powers? This doubt was the entire of the charge hitherto adduced; if a stronger one lay behind, it must be brought forward before he could be expected to meet it by an answer. He was willing to abide by the fact and argument of that paper; he would stand the issue, but if it were even the pleasure of the house that he should now withdraw, he was ready to withdraw." (*Cries of No, No, from the house.*)

Mr. Speaker. "This is the form of proceeding; an honourable member states his complaint to the house; the honourable member who is the object of the complaint is then heard in reply; he admits, or repels, or denies the statement. It is the custom that he should then withdraw, and it becomes the part of the honourable mover to submit a motion, founded on the subject of offence, to the

house. It then becomes a matter of debate, as any other motion may, and may be carried, or amended, or annulled, at the discretion of the house. It ceases to be interfered with by the honourable member whose conduct has furnished the complaint. This is the form of parliamentary proceeding; the old, unchanged, and, I hope, unchangeable form."

Sir Francis Burdett then withdrew.

The Speaker informed the honourable mover (Mr. Lethbridge) that the time was now come for him to prepare his motion, as the honourable baronet had withdrawn.

Mr. Lethbridge then rose to submit the resolutions which he meant to found upon the document which he had given in, and had been read at the table. In stating the grounds upon which he felt it his duty to bring this subject under the consideration of the house, it was his intention not to trespass at any length upon its attention.

Lord Folkestone, on this, called the honourable gentleman to order. If the honourable member was to make a speech at all, he should have made it before his honourable friend (Sir Francis Burdett) had withdrawn. When the honourable member had called the attention of the house to certain passages in the publication before the house, which he charged as objectionable, he should then have shewn how these passages were in breach of the privileges of that house. It was such an explanation on the part of that honourable gentleman, which he had in a former instance called for, as it was his decided opinion, that any speech he had to make ought to have been spoken before the honourable baronet had withdrawn. Undoubtedly the honourable member was not called upon to bring forward his resolutions in the same way. He was himself fully aware that the practice of that house required the honourable baronet to withdraw before any specific motion, founded on the grounds of charge, should be submitted to the house. He begged gentlemen to consider the awkward and embarrassing situation in which his honourable friend was placed, by having withdrawn before he had an opportunity of hearing the statement of the honourable gentleman, as to the manner in which the passages specified were considered by the honourable member as violations of the privileges of that house.

The Speaker looked upon the course proposed by the honourable mover to be perfectly consistent with the uni-

form and established practice of that house. The honourable member was then about the proposition which he had felt it necessary to bring forward respecting the parts of the production which made the foundation of his complaint to the house. He apprehended, therefore, that it was perfectly competent to that honourable member to proceed now to state the reasons upon which he grounded the motion he was about to submit, and which he conceived sufficient to justify him in bringing the complaint under the consideration of the house. Unless he had inadvertently omitted some step in the progress of the proceeding, it was his opinion that the course proposed to be pursued was strictly in order.

The Chancellor of the Exchequer coincided in the doctrine so clearly laid down from the chair. The individual who thinks it his duty to bring forward a charge, is bound to make a complaint in the first instance to the house, and then to lay the particular grounds of his charge upon the table, in a specific shape. In the case under consideration, the whole of the document upon which the charge was founded had been read by the clerk at the table; and the honourable member bringing forward the charge had even pointed out, and read in his place, the particular passages which he conceived to amount to a violation of the privileges of that house. The honourable baronet had had an opportunity to prove, if he could, that the passages so specified did not violate the privileges of that house; he had the opportunity to shew how far they contained the sentiments of a person who entertained a respect for the privileges of that house; how far they were innocent in themselves, or justifiable upon any grounds. The honourable gentleman, therefore, who brought forward this question, was very properly proceeding to state the grounds upon which he considered the passages he had pointed out as violations of the privileges of that house. Upon the principle of reasoning adopted by the noble lord, the honourable baronet should not only hear the grounds upon which the honourable mover brought forward his resolutions, but all the arguments which should be made use of in the whole course of the discussion. (*No, no!*) Upon the reason of the thing, he would admit, that an individual under an accusation ought to be allowed to hear all that might be urged in support of the charge against him. But upon

very good and sufficient reasons, that house had thought proper to adopt a different course in its proceedings, and to act uniformly upon the principle which dictated it. If the honourable baronet were therefore to be allowed to hear the speech of the honourable gentleman (Mr. Lethbridge), he would have an equal right to hear the whole discussion; and as both were inconsistent with the uniform practice of that house, he was determined to support the course pointed out by the chair.

Lord Folkestone offered himself unwillingly to the house, particularly as he differed from the opinion of the chair as to the propriety of the course to be pursued. But whatever reluctance he might feel on the occasion, he was bound to state the impressions which existed on his mind. There were but one or two precedents that he could call to mind, as having occurred since he had the honour of a seat in that house, both of which were in strict conformity with the course he pointed out in the present instance. One of these precedents was the case of the right honourable gentleman himself (the Chancellor of the Exchequer) last year. In that case, an honourable member (Mr. Maddocks), whom he was happy to see in his place, and who would correct him if he should make any mistake, had submitted a brief complaint to the house. Exception was taken to the proposition for proceeding with the charge at that time, and consequently some days' delay took place, after which the honourable member brought forward his charge again, which he prefaced with an argument of considerable length, shewing the grounds upon which he founded his accusation. The right honourable gentleman was then heard at length in his defence, as was also a noble lord (Castlereagh), who was implicated with him in the transaction which gave rise to the charge (respecting the seat of Mr. Dick, then recently vacated). Both the honourable members had had the advantage of hearing the speech of his honourable friend, and after they had made their defence and withdrawn, all that remained for his honourable friend to do was to submit his motion to the house. The other precedent was, that of the Lord Advocate of Scotland, some years since, when an honourable friend of his (Mr. Whitbread) explained the ground of his accusation in a long speech, reserving his motion only till that noble lord had made a long speech in his own justification, and withdrawn. The

same course, according to all the information which he had been able to collect, ought to be pursued in the present case; and it was upon the thorough conviction of the propriety of that course, according to the reason of the thing, that he had ventured to suggest it. The right honourable gentleman seemed to have greatly misunderstood the views he had upon this question. An honourable member had produced a pamphlet, the work of another honourable member, and read some passages from that pamphlet, which he made the ground of a charge of breach of the privileges of that house against the author. How such passages were a violation of the privileges of that house had not been shewn; and unless that could be shewn, and if the writer remained still of the same opinion as when he wrote the pamphlet, he contended that his honourable friend could not know on what ground he was charged, or in what manner to defend himself, particularly as he had stated that, in writing it, he did not conceive that he was infringing any privilege of that house. If the honourable baronet had changed his opinion, he might undoubtedly retract, or qualify, or even excuse his conduct; but without knowing in what way his sentiments, as expressed in his work, were considered a violation of the privileges of that house, it was actually impossible for him to know what defence to make. He could not suppose it to be the object of the right honourable gentleman to entrap the honourable baronet into the embarrassment in which the proceeding proposed must unquestionably involve him. It was a fallacious argument of the right honourable gentleman to say, that if the honourable baronet was to hear the speech of the honourable gentleman, he would equally be entitled to hear the whole discussion. When an honourable member called the attention of the house to a grave and serious matter of charge, it was but fair that the accused member should have an opportunity to hear the grounds upon which the charge was brought forward; and after defending himself in his place, he required to withdraw without hearing any part of the subsequent discussion. The reason of the case, therefore, bore him out in the course he recommended; and he must contend that the honourable baronet was entitled to the fair advantage of hearing the grounds upon which the honourable member had made the complaint and charge against him.

The Speaker felt himself bound in duty to the house to bring to the recollection of gentlemen, that in cases of complaints against members, there were two sorts of proceedings resorted to by the house, which might account for the difference of opinion on this question. One of these proceedings was, when a complaint was founded upon a written paper, or other document. When that was the case, the paper on which the complaint was founded was given in at the table, after which the member, the object of the charge, was heard in his defence from his place, and then required to withdraw. The house, upon that, uniformly proceeded to discuss the merits of the charge, and came to a final decision upon it. The other course was that which was followed when a member could have no notice of the charge against him; in which case the member bringing forward the charge was bound to clear the grounds of his motion, and state the nature of the charge. To this description of cases he concieved the case of the Lord Advocate of Scotland, already alluded to by the noble lord, to belong. In that instance the charge was founded on a letter which had been written by that noble lord, in his official character, to an individual in Scotland. The grounds of the charge were fully stated, and that noble lord was heard at length in his defence. The house would recollect the comments, which, after that noble lord had withdrawn, had been made on the species of defence to which he had resorted. The noble lord in that defence, which appeared to many honourable members full and satisfactory, had made some allusion to the peculiar laws and institutions of Scotland; and it must be fresh in the recollection of several gentlemen, how these allusions had been commented upon, and the comments made to bear upon the question under discussion. He took it to be the right of a member under accusation to have due notice of the charge against him, but not of the arguments in support of it. If an honourable member was entitled to hear all the arguments in support of the charge before he should withdraw, then he should not withdraw till the house should have passed its vote upon the subject, a doctrine which could not for a moment be entertained. The course of proceedings laid down in the text books directed that in case of a charge founded on a written document, that document should be given in, and that the member under accusation, after being heard in his defence, should then

be required to withdraw. But in cases where the complaint should not be founded on any written document, the accused party had a right to hear the grounds of the charge stated before he should be put upon his defence, previous to his withdrawing. He had felt it to be his duty to put the house in possession of these circumstances, as to the uniform and established course of proceeding in all matters of complaints against individual members.

Mr. Lethbridge then rose to state the grounds of his charge, and declared that in doing so he should be very short. Many reasons, he observed, induced him to be brief on this occasion. The principal one was, the little habit he was in of addressing that house. The task he had undertaken was painful and difficult, but however painful or difficult it was, he felt himself called upon to bring forward the question. The letter of the document was, however, so clear, the real question lay within such a small compass, that it would require but little abilities to put it in a form for the decision of the house. Really, from what had fallen from the noble lord opposite, one would have supposed, that he (Mr. Lethbridge) had written a long speech on the subject, the copy of which he had dropped from his pocket, and was found by the noble lord, who thought to embarrass him by calling for a speech no longer in his power to make. He had, however, no object but to state briefly the two resolutions which he meant to propose. These, he trusted, would be adopted by the house. They must, if that house wished to save its own character, and that of Old England. He spoke from the bottom of his heart. He wished the honourable baronet to hear him. (*A laugh, and hear, hear!*). He should repeat his wish that the honourable baronet had not been precluded by the forms of the house from hearing what he had to say. He felt no hostility to that honourable baronet; he had much higher motives for his conduct on this occasion. He was convinced that if the house had any regard for its character, it would put a stop to such proceedings as they had witnessed of late. He had heard things stated in that house, which had made the hair of his head stand on end. (*A laugh.*) He could assure the house that the feelings of horror with which he heard it stated, that, "in the opinion of the public, the reputation of that house had not a leg to stand upon," had produced that effect upon him. He trusted that such

proceedings would be effectually put a stop to, and with that view he should propose the following resolutions for the adoption of the house.

1st. Resolved, That the letter signed Francis Burdett, and the further argument, which was published in the paper, called Cobbett's Weekly Register, on the 24th of this instant, is a libellous and scandalous paper, reflecting upon the just rights and privileges of this House.

2d. Resolved, That Sir Francis Burdett, who suffered the above articles to be printed with his name, and by his authority, has been guilty of a violation of the privileges of this house.

Mr. *Blachford*, in rising to second the motion, said, that it would not be necessary for him to use many words. He begged to call the attention of the house to the case of Mr. Arthur Paul, in the year 1558. In that case, the house had voted a publication, to which its attention had been called, not only slanderous to the character, but derogatory from the dignity and honour of that house. Mr. Paul was afterwards, on being found to have been the author of the paper, appointed a day to be heard in his defence in the committee of privileges, after which he was sequestered (*he believed ordered to withdraw*); and the house proceeded to a discussion as to his punishment, which was voted unanimously. He was satisfied that there were many other precedents which could be produced, but he had referred to the earliest he could find, to shew that the house had been at all times jealous of such violations of its privileges (*Hear, hear!*); and he trusted that it would not be less so in the year 1810 than it had been in the year 1558. (*Hear, hear!*) If the house should not vote this production a slanderous and libellous paper, derogatory from the character and honour of the house, it would not shew a proper regard to its own dignity. He should have thought that no doubt could exist that the motion of his honourable friend would have been agreed to, if it had not been for the significant cheers from the gentlemen opposite. Before they should come to a decision on this question, they were bound to consider well the nature of the paper under consideration, and the circumstances under which it had been produced. They were bound to weigh well the consequences of not adopting the motion of his honourable friend. How could they

hesitate, when they recollected the spirit of Jacobinism which existed in the country, whether in leaders or disciples, were but few, but whose object it was to dispute and bring into discredit the authority of that house? If this spirit should not be checked in time, it would not only take away the dignity, the character, and the authority of that house, but destroy the very existence of it as a branch of the legislature.

Mr. *Ponsonby* observed, that neither the honourable mover, nor the seconder of the resolutions, had a deeper respect, or a warmer attachment to the privileges of the house of commons than he, humble as he was, entertained. All his conduct, since he had been a member of that house, had shewn, that he had never offered the slightest disrepect to the character, nor in the slightest degree interfered with the privileges of that house. But the motion before the house appeared to be one which required the greatest deliberation, in order that they should come to a solemn, just, and useful decision. The paper read by the clerk was a long one, and though the honourable gentleman had pointed out some particular passages as the grounds of his complaint, still it would be difficult, in case of so long a paper, to decide whether the particular passages would support the charge, without the opportunity of considering all the parts of it. How much more difficult then would it be in case of a paper, professing to be a legal argument, founded on the known laws of the land! He trusted that he should not be thought indifferent to the privileges of that house, if he moved an adjournment of the discussion upon this motion. All the members of that house had devoted their minds to the question respecting the expedition to Walcheren, the discussion of which was still pending. No honourable gentleman, with the exception of the honourable mover and seconder, had given such attention to the question immediately before the house, as to be able to lay his hand upon his heart, and say that he was prepared to give a fair and dispassionate vote upon it. Whatever might be the ultimate decision of the house, it would have more weight, and be entitled to greater respect, the more consideration should be given to the question. Upon these grounds he should move that the discussion be adjourned to this day se'nnight.

The Chancellor of the Exchequer did not mean to oppose the adjournment of the question, but expressed a wish that the right honourable gentleman should not persist in moving for so long an adjournment. He should think that the house would proceed with the discussion on the earliest day that it could be able to become acquainted with the nature of the charges sufficiently to come to a just decision. This was due to the feelings of the individual concerned. The house would recollect, that the honourable baronet had been ordered to withdraw, and for himself he did not know what effect that might have with respect to questions which might intervene, before the decision on the present question. He was aware of the practice of the house on such occasions, and threw the observation out with a view to getting information. If the individual could return to his place during the adjournment of this discussion, it might be a question, whether it would be right, that a person under a charge for a breach of the privileges of that house should continue to enjoy these privileges, and exercise the rights belonging to its members. Upon that point he should be glad to receive information. But, at all events, he should think it would be desirable not to adjourn the discussion over to-morrow or Thursday at farthest. The house must be aware that this was a question respecting its own privileges, and that such questions always took precedence of any other subject. He suggested, therefore, to the right honourable gentleman the propriety of limiting his motion for the adjournment to to-morrow, in order that whatever might be the decision of the house, it should be come to as soon as possible. If the right honourable gentleman should not amend his motion, as he suggested, by substituting to-morrow for this day se'nnight, he should move an amendment to that effect. Some delay he thought necessary because of the length of the paper; but every honourable gentleman must know, that they could have sufficient opportunity to make themselves acquainted with the contents of the paper, so as to be prepared for the discussion before they should meet to-morrow.

Mr. *Whitbread* contended, that his right honourable friend, in moving the question of adjournment, had no object in view but to enable the house to come to a fair and just decision, when they should be in full possession of the

whole of the contents of the paper. The right honourable gentleman opposite (the Chancellor of the Exchequer) must be aware that there was at this moment a most important discussion pending, on a subject relating personally to himself, though so highly interesting to the public. It was not his intention to impute to the right honourable gentleman any design to bring in any other question to interfere with the progress of that in which he was so deeply concerned. (*Hear, hear!*) He could not suppose it that right honourable gentleman's wish to give precedence to another question with any view to distract the attention of that house and of the public from the subject which had occupied so much of both. Many honourable members were anxious to deliver their sentiments on that subject; and his right honourable friend was ever in possession of the house for the purpose of stating his opinion upon it. When they considered that the present debate, produced, no doubt, by accident alone, had been protracted to so late an hour, as well as the short period that must necessarily intervene between the termination of the debate of this night, and the time of their meeting to-morrow, gentlemen would be convinced of the impossibility that members could come down to-morrow properly prepared for the discussion of this question; so important not alone to the honourable baronet, but to the interest of the house. For himself, he could say, that he was not prepared at present to go into that discussion, neither could he be prepared by to-morrow. All that was asked for was, that they might go into the discussion on the earliest day after they should be prepared to resume it, with effect. That could not be the case to-morrow. The debate on the expedition could not be expected to terminate that night; or, if it should, would conclude at so late an hour as to render it impossible for gentlemen to make themselves sufficiently acquainted with the circumstances of the case then under consideration. He should, therefore, as the debate on the expedition could not possibly terminate before Thursday morning, propose to his right honourable friend to take Friday instead of this day se'nnight as the day to which the debate should be adjourned. The honourable member concluded by moving an amendment to that effect.

Lord Folkestone considered the question so important to the house and the honourable baronet, that, though he

should not himself have moved the adjournment of the discussion, he yet was glad that it had been moved, in order that he and other honourable members might be enabled to come down better prepared for the discussion. From the attention he had paid to the subject, more perhaps than other members, he was convinced, that when gentlemen considered it maturely, they would not regret that the more distant day had been preferred for the adjournment. The question respecting the privileges of that house, had been discussed by more and higher authorities than any other, perhaps, that could be made the subject of investigation. The more, therefore, that gentlemen consulted these authorities, the greater necessity they would feel for deliberate consideration. On that ground he trusted that the house would agree to the more distant day. He begged gentleman would not take up the question as lightly as had been done by some of the members who had already spoken; and trusted that it would be regarded with much more serious consideration than appeared to have been bestowed upon it by the honourable mover and seconder of the resolutions. It would be necessary for gentlemen to consider drily what were the privileges of that house, without referring to any expressions which might have been used in a former debate, or resorting to the stale and senseless topic of the existence of a jacobin spirit in this country. The manner in which the question had been treated by the honourable mover and seconder, made him apprehensive that they had taken up the subject very lightly indeed. Far different, he trusted, would be the degree of consideration bestowed upon it by the house, not alone because it was of near and anxious interest to the honourable baronet, but because it was of the last importance to the best and most vital interests of that house. He thought it his duty to say this much in consequence of the sentiments which had been thrown out in the short speeches of the two honourable gentlemen opposite, and was determined to vote for the adjournment to the more distant day.

Mr. Stephen declared that the speech of the noble lord had furnished him with an unanswerable argument against the adjournment to the more distant day, if even he had been previously disposed to vote for it. It had been said by the noble lord that this was a question of much difficulty, but for his part he could not see in what the diffi-

culty of the case consisted. If any legal doubt existed as to the constitutional exercise of the privilege of that house, involved in the present proceeding, that was a reason why no time should be lost in getting rid of that doubt. It was to be recollected that an individual was at present in custody in consequence of the exercise of that privilege; and if it could be possible that the confinement was contrary to law, no time should be lost in settling a point which would release a fellow subject from an unconstitutional restraint. He felt a strong wish that his right honourable friend might have an opportunity of having the earliest decision upon a question interesting to his feelings and character; but he was not therefore to be insensible to the situation of another individual of his fellow-subjects now in confinement, whose release might depend upon the decision of the debate proposed to be adjourned. Had it not been stated in the paper of the honourable baronet, that the warrant of the speaker for committing the individual to whom he alluded was illegal? If any doubt existed as to its legality, the question ought to be set at rest as early as possible. If the warrant should prove to be illegal, then the person in custody must necessarily be released; whereas, on the contrary, if it should be established to be legal, in that case there could be no doubt that the statement of the honourable baronet was a breach of the privileges of that house; but in either case, it was desirable to come to a speedy decision, and therefore he should vote for the more moderate adjournment. It had often been imputed to his right honourable friend, that he preferred proceeding upon questions relating to the dignities of that house, than upon questions personally interesting to himself; for the present case he could not see what was to be gained or lost by a delay of a few hours, and therefore should vote for the adjournment to the next day.

The Chancellor of the Exchequer would say but a few words, though the new question would authorize him to speak again. When the honourable gentleman opposite (Mr. Whitbread) had broadly imputed to him a motive in wishing for a delay of twenty-four hours in the previously pending discussion, he could not sit silent under the imputation. If he had wished for delay, he might have applied for it at the commencement of the discussion, on the ground that some of the papers necessary to form a judgment upon the case had not been delivered to

members, and others were not yet on their table. An application for further delay, founded upon such a statement, no honourable member could, he was persuaded, resist. He was as desirous as any honourable member that the discussion should proceed, and if it was to be interrupted, was that interruption to be imputed to him? Had he advised the honourable baronet to publish that statement which was the foundation of the charge against him? Had he any concern in the mode in which the question had been brought under the consideration of the house? All that the noble lord had said on the principle of the law of the case, had, as had been ably stated by his honourable friend, made against his own argument, and was a sufficient ground for avoiding all unnecessary delay. The question was one of the most grave nature, and of the last importance to the character, the dignity, the honour, and the independence of that house. The longer they suffered the decision upon it to be delayed, they would submit to be trampled upon; and the more they would betray their own dignity, feelings, and independence. The law of the case had been discussed and decided upon in a full house lately *(on Sir Francis Burdett's motion respecting the liberation of Mr. Gale Jones)*, almost unanimously. He said, almost unanimously, because though the house was full, only fourteen voted with the honourable baronet, and many of them had voted on the ground that the previous confinement of the individual was a sufficient punishment for his offence.

Mr. Bathurst felt that every member must regret that this question had been forced upon the consideration of the house. He thought that whatever opinion might be entertained as to the character of the publication in question, the difference of one or two days could not be of much consequence. He thought the adjournment should extend till after the decision upon the question respecting the expedition. He had read the publication, and thought that, in very plain language, it impeached the legality of the exercise of a privilege which was strictly conformable to the practice of that house. For his own part, he thought the privileges of that house as much a part of the law of the land as that unwritten law, which was universally recognized in our courts of law; but on the grounds he had before stated, he should vote for the adjournment to Friday.

Mr. C. Wynne referred to several cases where, under similar circumstances, a delay of several days was allowed before the discussion was brought on. He must contend that it was actually impossible for gentlemen to be prepared for the discussion to-morrow. He was one of those who had voted on the former question, and might, perhaps, be better prepared for this discussion than others. But when he considered that only 160 members had been present at that discussion, and looked round him now, and perceived that nearly 400 were present, he could not conceive how those who had heard no part of the former discussion could be prepared so early to enter into this. In his opinion, therefore, he thought that, if they consulted the dignity of the house, they should consent to the adjournment to Friday.

Mr. Maddocks said a few words, after which the house divided on the amendment of the Chancellor of the Exchequer, on which the numbers were,

For the amendment - -	196
Against it - - -	146
Majority -	——50.

Strangers were excluded for a considerable time, during which there was a second division on the question, whether the farther discussion should be continued that evening, or postponed till to-morrow, when the numbers were,

For the postponement -	211
For the immediate discussion	138
Majority -	——73

WALCHEREN EXPEDITION.

Mr. Ponsonby resumed his argument, and began by observing that the noble lord had stated the great object of the expedition to be the creating a diversion in favour of Austria. He had been much surprized to hear this, when he recollected the instructions to Lord Chatham, which stated in effect that the particular object of the expedition was the destruction of the arsenal at Antwerp. His lordship could hardly now therefore be permitted to say that this was an object secondary to the chief one, of giving assistance to Austria. His lordship had said that he had called for the military opinions not to determine as to the expediency or inexpediency of the expedition. But, to assist him in making up his mind as to the best means of

carrying it into execution. Did he mean to say, that he asked for these military opinions in order to judge whether he should send out the expedition or not? He understood from his gesture, that he had called for them with that view. Then why had the noble lord decided in opposition to these opinions? But the noble lord contended that he was not to be bound by such opinions, and illustrated this by saying, that though one might receive an opinion from a lawyer, that the title deeds of an estate were bad, he would probably next morning, purchase the estate. But though the noble lord had sent out an expedition in opposition to the opinions of general officers, he was much too prudent to buy an estate with the opinion of counsel that the title deeds were bad. But the noble lord has argued that government was not bound by the opinions of military officers. True—they might act on their own responsibility—but then they were bound to use their discretion with common sense; and though they were not bound by military opinions, yet if they did think it right to act in opposition to them, they were the more deeply responsible. These were all the written opinions which the noble lord had called for, so that he had nothing to produce in his favour, or to set against those which tended so strongly to discourage the undertaking. The noble lord had been pleased to blame his noble friend for closing his evidence without producing General Brownrigg; but his noble friend had several times called for General Brownrigg, who had excused himself on the ground of indisposition. But the noble lord himself had produced him, and what was the justification drawn from his evidence? Why, he had said, that if the expedition had arrived at Santvliet, on the 3d of August, it might have succeeded in the ulterior objects. But this he founded on no naval or military authority, but confessed, that it was merely an inference of his own from casual conversations with military and naval officers. But the noble lord himself had fixed no period for the arrival of the armament at Santvliet, and it must occur to every one that the course of defence adopted tended to implicate the commanding officers. But the noble lord was at Deal at the sailing of the expedition, and knew perfectly well that it was impossible it could have arrived at Santvliet on the 3d of August. The last division was not telegraphed to sail till that very 3d of August, on which day they ought,

according to General Brownrigg, to have been at Santvliet, in order to afford any reasonable hope of success. But the noble lord had favoured the house by long citations of the case of Sir John Mordaunt's expedition against Rochefort, in which he more than insinuates a comparison between that and the expedition to the Scheldt. Lord Chatham, the great Lord Chatham, was in that case the war minister, and failed. The noble lord was now the war minister, and also failed. There was, however, some little difference between the two men. Lord Chatham stood at least as high in the opinion of the country as the noble lord. Lord Chatham had pretensions to the confidence of the people—which the noble lord would be scarcely hardy enough to think himself entitled to. Lord Chatham, as a war minister, had been rather more successful than the noble lord, and with respect to talents, there might be those who thought that Lord Chatham would not suffer by a comparison even with the noble lord. But to what end had the noble lord cited the solitary instance of Lord Chatham's failure? Why select that only instance? Why not look for some of the many instances in which he had succeeded? though it was to be admitted, that the comparison of a case of failure with any measure of the noble lord's, was the best way to make the comparison itself more apt, and thus perhaps it was intended to be argued. Sir John Mordaunt was sent against Rochefort, and failed—Antwerp is circumstanced like Rochefort, therefore we sent an expedition to Antwerp, and failed likewise. But there was some difference in the amount of force employed in both. Lord Chatham, in the expedition against Rochefort, did not send out above 8 or 10,000 men. He did not risk a whole army; he did not expose the last army of England to inevitable destruction. In the course of the commentaries of the noble lord upon the evidence, he stated that that of General Brownrigg was the most material that appeared, and that it placed the merits of the expedition in a clearer point of view than that of any other witness. Let them now refer to that evidence. The noble lord would not dispute the authenticity of the papers drawn up by General Brownrigg in his official capacity as quarter-master-general. The noble lord would admit the authenticity of the paper submitted by General Brownrigg to the lieutenant-general of the army at Batz, on the 27th of August.

Here Mr. Ponsonby read at length the journal of the army, and compared different passages with the evidence of General Brownrigg; that officer had affirmed, that if the army had reached Santvliet by the 3d of August, the ulterior objects of the expedition need not have been abandoned; but it appeared from the papers before them, that on that very day they had received intelligence, that the enemy's fleet were distinctly seen lying at Antwerp. On the 4th of August, the ships had got up between the citadel and the town. It appeared too, that such was their information that they did not know in what part of the town the naval arsenals were situated—neither was it then known that those arsenals were protected by the guns from the citadel. On the 8th of August, the day before that on which it had been said that the army might have reached Antwerp, and opened a fire upon it—on that day intelligence was received of a considerable increase of force, so that were the accounts but partially, or even half of them true, had they proceeded, as had been supposed, from Santvliet on the 3d, on their subsequent arrival at Antwerp, instead of finding it in the defenceless state that it was expected to have been found in, they would have found it strong, and formidably defended. The noble lord had spoke of the quality of the enemy's troops which we would then have to contend with; but did the noble lord forget what undisciplined troops might effect while under the cover of town walls, fortresses, and batteries, even against veteran troops? Did the noble lord forget the striking instances of this afforded in the course of the Spanish resistance against the French? In the field, the armies of Spain were unable to make any effectual contest, but under the walls of Saragossa and Gerona, the mere peasantry were for a time invincible. On the 10th of August they had information that the King of Holland had reached Bergen-op-Zoom, and that there were near Antwerp and the neighbouring cantonments, an army amounting to 26,000 men, all, or the greater part of whom were said to be French. But what said the army journal of the 14th of August? that the commander-in-chief had received communications from two most confidential quarters, confirming the truth of all the preceding intelligence received from the 3d down to the 14th, respecting the force of the enemy, and the strength of Antwerp. On the 18th and 19th, they got accounts of the state of Lillo and

Liefkenshoeik. But the noble lord might say all this was information given to the commanders, but we the government had had different information, and upon that we acted. To recur, then, to the noble lord's own information. And here, in the first place, it was to be remarked, that the persons giving the information were not military—in the next place it was to be observed, that the citadel of Antwerp, which was said to be so weak, and concerning which the government pretended to so much information, that there was in their own secret evidence proof that they could not know the state of that citadel; none but military men were allowed to go into the citadel—with so much care and caution was it looked to by the French. Then what was the information with respect to Lillo and Liefkenshoeik? With respect to the former, Fort Lillo, it appeared to be in a strong state of defence, with guns mounted, and palisades. The other fort, Liefkenshoeik, is opposite to it. Of the two the scite of Lillo appeared to be the most elevated. The informant did not believe it to be bomb proof. Here the noble lord's own spy had told him that Lillo was in a strong state of defence. But there was other information. It appeared from this, that on the first of August troops were marching to Antwerp from all quarters, though none had as yet arrived there. It appeared also, that on the fifth of August the garrison of Antwerp consisted of 5000 men, being conscripts, douaniers, and volunteers. On the 5th and 6th troops from Calais and Boulogne were marching to Cadsand and Breskins. On the 9th and 10th there were at Breda and Bergen-op-Zoom, from 5,000 to 6,000 Dutch troops; and on the 11th, at Breda, Bergen-op-Zoom, Antwerp and its vicinity, and Cadsand, there were 26,000 troops, exclusive of the garrison of Flushing. The head-quarters were at Roxerthal, and the army was commanded by the King of Holland in person. Now all this, it was to be recollected, came from the noble lord's own spy. His own spy told him that there were 26,000 troops in the vicinity on the 11th August, and those 26,000 exclusive of the garrison of Flushing. This was the species of encouraging information which the noble lord had received from his own spy. (*Hear, hear!*) Not a single officer or engineer, who had given his opinion upon the remote practicability of the expedition, who did not found his opinion upon the most qualified provision of every thing

turning out favourable; and indeed the noble lord seemed inclined to limit the provision still more, by arguing, that the expedition must have been successful if it had no obstacles to contend with, either as to the elements, the climate, or the enemy. (*A laugh.*) With regard to the naval part of the expedition, the noble lord at the head of the admiralty seemed to be as provident as the noble lord himself. His opinion, given in the secret information respecting the navigation of the Scheldt, had been treated with the same care and attention that distinguished all the other proceedings of his lordship. It stated, that the passage from the Downs to Bathz might be effected in forty-eight hours, but upon the condition of the most favourable circumstances; and that to effect this passage with expedition and safety, it was necessary that there should be a pilot in every line of battle ship and frigate; the other mode of securing the safe passage of the ships was, that of having the channel buoyed; now, with respect to the buoys, there was not one, and as to the number of pilots, there was but one for the whole fleet. He now came to that period in the expedition when the army was assembled at Bathz; and first, he would beg the attention of the house while he read to them, at greater length than he wished, the paper addressed by General Brownrigg to the general officers at Bathz. It began by stating, that—

"The armament having arrived at the point, from whence further arrangements are to be made for carrying into effect the ulterior object of the expedition; and various important considerations combining to call for an immediate determination.—How far that object can be obtained with the means in our power, it becomes necessary to detail these means, and to advert to circumstances which have ensued from the commencement of the undertaking.

"And first, it may be premised, that, according to the original plan of operations, it was intended that a division of the army should be landed on Cadsand, and by that means secure to our fleet an entrance into the West Scheldt, and prevent succours being thrown into Flushing; thus effectually blockading the fortress by sea, while the army, which disembarked on the north side of Walcheren, completed the investment on the land side. The landing on Cadsand became impracticable from the tem-

pestuous state of the weather, the force of the enemy, and from a deficiency in means to debark at once a body of troops capable of contending with the numbers there was every reason to suppose would be prepared to dispute a landing."

Here thus it appeared that the *force of the enemy*, and our comparative inefficiency to contend with their increasing numbers. The state of Cadsand was here given, and it would be here recollected, that General Browrigg, in his evidence, distinctly acquitted Lord Huntley of not having acted right, and distinctly stated, that in similar circumstances he himself would have acted in the same way. Where then lay the fault but with the planners? He then goes on to say that—"These circumstances, which it was not possible to controul, gave the enemy the opportunity of largely augmenting his garrison of Flushing, which, together with the nature of the ground on which the attack was to be carried on, rendered still more difficult from the extensive powers of inundation in the enemy's hands, protracted the reduction of the place to fifteen days from the period of our appearing before it; notwithstanding the unremitting exertions of the navy and troops engaged in the operation. With these uncontroulable obstacles to contend with, the prospect soon vanished, or being able, by a rapid and simultaneous effort, to carry the object of the expedition to its ultimate extent, and which could alone insure the complete success of the enterprize. The enemy having, for some days, enjoyed an uninterrupted communication with Cadsand, and having by this means more than doubled his force, led to the necessity of adding to the besieging corps a large portion of the force destined to proceed by the West Scheldt to the more distant points of attack; and rendered that force unavailable for that object, until we became possessed of Flushing.

"Having thus stated the actual circumstances under which the armament has arrived in its present situation, we must next consider what we have yet to accomplish, and the force likely to be opposed to us.

"The strength of the enemy, by concurring intelligence, appears to be nearly as follows:—

"In Bergen-op-Zoom	6,000
"Breda	2,000
"Cantoned between Bergen-op-Zoom and Antwerp	15,000
"In Antwerp	11,000
"On the left bank of the Scheldt	3,000
"In Tholen	500
"Total	35,500

And thus we had it in evidence that the enemy's force at that time appeared, from concurring intelligence, to amount to 35,500 men. He (Mr. Ponsonby) would not here ask whether this account was or was not exaggerated. General Brownrigg had since reduced it to 30,000; but had there been but twenty thousand, they would in such circumstances, be as formidable as fifty. The success upon Antwerp depended upon celerity of movement, that celerity upon effective co-operation on the part of the navy, and that co-operation on the reduction of the forts of Lillo and Leifkenshoeik. Upon the 1st of August, the enemy's fleet was above the boom at Lillo, and the general opinion was, that that boom could not be forced. But the statement went on to say that "Our total numbers, including artillery, cavalry, and infantry, amounts to about 30,000 effective; of which 6000 are left in Walcheren, and 2,000 must necessarily be left in South Beveland, giving a disposable force of only 22,000 men for the siege of Antwerp and the other operations connected with it. So that 22,000, to say nothing of the casualties of sickness, were to advance to the siege of Antwerp, and to contend with 35,500 men. The house will observe, however, the mode of the siege, as recommended in the following passage:—"In proceeding to the siege of Antwerp, it would no doubt be a leading object in the plan of operations, to accommodate it as far as possible to obtain the co-operation of our naval means, without which the enterprize would be clogged with the difficulty of transporting by land from the point of debarkation, through an enemy's country, all the ordnance, stores, and entrenching tools necessary to undertake the siege of a considerable place, and to provide the means of subsistence for which we could not well command the resources of the country beyond the reach of our arms; and it would be a considerable increase of these difficulties to collect if

they can be had, or to transport if they be prepared, the vast quantities of platforms, fascines and gabions required for such a siege. "The plan by which only the cooperation of our naval force can be obtained would be by the reduction of Lillo and Leifkenshoeik, and the complete investment of Antwerp on both banks of the river. From this it appeared, that nothing less than the complete investment of Antwerp could be effectual. Such was the language of the general who had talked of taking Antwerp by bombardment. One would almost be led to doubt upon referring to this paper, if the writer of it was the same gentleman who had given his evidence at their bar. The noble lord had said, the expedition had not been fairly tried. In what respect? Did he mean to say, that the execution had defeated the plan? Were the generals wrong in retreating? Would the noble lord have had them, even after General Brownrigg's paper of the 26th of August, have gone forward; or if he admitted that nothing could have been done after that period, he called upon the noble lord to state, what error in the execution was the cause of nothing having been done before it? Why not openly state to his majesty, to that house, where and how his plans had been abused, or discomfited? And if the noble lord felt that such was the fact, why did he not move a censure upon those men who had refused inquiry into the causes of the failure of that expedition? But with respect to Austria, Austria required no such exertion upon our parts, neither as to number nor as to place. He could not help adverting here to the manner of expression, to the general tone in which the noble lord had last night conducted his defence. The noble lord seemed as if he had performed some great service to the country, and was in other parts so gay, airy, and lightsome, as if he was enjoying some pleasant entertainment; and that too while he was answering to the representatives of his insulted and injured country for the many thousands of his countrymen, whom his wild fantastic experiments at expeditions had buried in a foreign grave. Men, no doubt, differed very much; but he did not think that any other man, so circumstanced, could have spoken upon the subject without real agony of mind. But the noble lord could be calm, could be even gay, and at his ease, though he had done this in opposition to the spirit of all the opinions he had consulted. Sir Home Popham

in vain pressed for dispatch, and threatened the noble lord of the Admiralty with the dreadful consequences of delay in having to contend with the most serious of obstacles, the elements; but the noble lord knew better. "Go on, Sir Home, only go, and I dare say you will do very well." (*A laugh.*) Another ground, as stated by the noble lord, was that of raising the character of the army, to raise higher the military character. Did the noble lord find that character so fallen and degraded, that it became expedient to throw away the lives of a great army in order to restore it? This was indeed a compliment to our military means! but if that expedition had found their character high, had it by its own virtue worked that character higher? Were had we met the enemy upon equal terms and not been conquerors? But were we a herd of the veriest cowards, common humanity should have prevented him from such a cruel experiment. Nelson, and the fights of Aboukir and Copenhagen had been introduced. Why, what similarity was there between that hero and the commander-in-chief of the late expedition, whom the noble lord selected for celerity, sagacity and dispatch. The noble lord thought he was upon a rock; he called for acquittal from the justice of the house. He (Mr. Ponsonby) called also upon the justice of the house. He asked them if they would say that the noble lord was not responsible for its failure? But the noble lord had indeed reason to calculate liberally upon the lenity of the house. They had often pardoned his offences only to repeat the exercise of their forgiveness. He was either wrong or he was right; if right, why that latent intrigue amongst his colleagues, in which even his near associates took a part. Why did they all agree that he was incompetent to the situation which he held? Why did they agree that he should stay in office till the termination of the expedition, he himself had planned, then to be turned out, whether that expedition failed or succeeded? He (Mr. P.) believed that they were anxious to send out the expedition in order to send out the noble lord. They were so anxious to get rid of him, that they suffered him to plan what they were conscious must fail, but which failure would relieve them of the noble lord. The house then would now pause, and retrace the mischievous effects of their own misjudged lenity towards the noble lord, and the set of men who have been so long

abusing it. This conduct of that house was one of the most powerful causes of the late calamitous expedition. They had now the consequences of their weak indulgence in the incorrigible fatuity of a set of men, who thought that because they were tolerated they were approved. Unfeeling from habit, bold from ignorance, and confident from impunity, they grew more hardy as they became more criminal. Let the house assert its dignity, by wresting from them the means of doing mischief. They had heard of libellers within and without those walls, let the house be but true to itself, and to the country, and such conduct would be the most satisfactory answer to all such charges.

General Craufurd thought that in such a question as the present, where it regarded the policy of an expedition, the presumption must be in favour of government, for this reason, that they must be in possession of more accurate information (*a laugh*); accurate in comparison with the information of those who opposed them. As to the allegation that the north of Germany would have been a proper object of diversion, he could not agree in it. Though we were to support our allies, it was not necessary that we should surrender ourselves to them at discretion, and adopt their suggestions in opposition to our own deliberate judgment. He could answer, from his own experience, that the suggestions of allies, in this respect, were not always the best. If we had sent a few troops to the north of Germany, where a temporary insurrection might, thereby have been raised, what would this be, but exposing the unfortunate people to the rage of the tyrant, and leaving them, in the long run, to murder and cruelty of the worst kind. This would be the most famous Machiavelian policy. Austria, however, having thrown away any chance of Russia joining her in the contest, we could no where march an army where they would not be ultimately exposed to the whole force of the French ruler. Suppose, even, we had had confidence in the perseverance of Austria, there was not a spot where we could land and have a depôt and place of retreat. In these circumstances, co-operation in Germany was out of the question. If an army could have been sent to Cadiz, there we might have acted with effect; but there our assistance was not desired at the time. The naval arsenals in the Scheldt, he did maintain, were more formidable against

us, in case of invasion, in the hands of the ruler of France, than all his other vast and unbounded resources. A basin had been constructing at Antwerp for the accommodation of 50 sail of the line, and to what bounds this might be carried it was impossible to conceive, there being no bounds whatever to the resources which this river poured in from every quarter. In frost, only 20 sail, it was understood, could be accommodated; but what was the importance even of this? We must have 20 sail watching them at Yarmouth, and 20 more at Deal, and yet there was a possibility of their getting out by coming to leeward. It might even be in the power of so extraordinary a man as the person to whom we were now opposed was known to be, to increase the 50 to 100 sail. He could not transport his immense Boulogne flotilla to our shores only from want of men of war to protect them. Let the house look, then, to the use to which this armament in the Scheldt might at one time be employed, when joined by another from Holland, in effecting a landing on the eastern coast of this country. Our enemy knew too well to make an attempt at the invasion of England without such a force as must ensure success. He was aware that he must use immensely formidable means. This he never could do, while the continent remained a check on his actions. This was no longer the case, and he would now be at leisure to turn his mind to the invasion of England in reality. The Scheldt was one of the most formidable engines for enabling him to accomplish this object, one indeed, without which, he never could attempt it with any prospect of success. Who then would say, that this was an expedition not called for? That it was not one of the greatest national importance? This was, in fact, the only part where we could make a diversion in favour of the common cause, and the appearance of part of our army in our enemy's country, at that moment, could not fail to have been most embarrassing to him. He hoped he had thus pretty clearly proved the policy of the expedition. (*A laugh.*) He had done so as far as his shattered brain would allow. (*Hear, hear!*) He then proceeded to shew that the expedition was even expedient. In doing so, he commented on the opinions of the officers who had been consulted previous to the expedition, and contended that none of them bore out the criminality of ministers in undertaking the expe-

dition. Intelligence had also been received that the works of Antwerp were in a defective state, and that the troops were extremely few in number. This had since been been met by counter intelligence, but the rectified statement seemed to be false. It appeared that there were not 30,000 in all, including seamen, and yet they had been told that in ten days the enemy would have against them 40,000 men in arms. If they were entitled to count the men taken from their ships, we were equally entitled to count our seamen, who would more than double theirs. He contended, therefore, that it was in evidence that the intelligence received by government was correct, and that government was justified in undertaking the expedition, expecting, as had been positively stated to them, that the wind and weather, at that season, were almost uniformly favourable; and it appeared in evidence, that to find wind and weather, such as the British had experienced, it was unusual indeed. Thus were ministers completely justified in undertaking the operation. He should shew, however, the practicability, as well as possibility of accomplishing the undertaking; and that ministers acted with the greatest propriety in adopting the grand line of policy pursued by them on this occasion. The instructions as to the diversions of different corps, in the first place, he could easily reconcile with the possibility of carrying a sufficient force to the ulterior destination. The great point to be kept in view by a commander, where he had distinct operations to carry on, was, always to take as much to the ulterior destination as the first service in which he had been engaged would permit. That Cadsand might have been taken had they gone up the Wieling Passage, by the division of Marquis Huntley, he was confident, and the whole of Flushing might have been taken possession of by 7000 men. By destroying the means of Cadsand communicating with Flushing, the division which had taken possession of it might have departed, without leaving a man behind, proceeded up the Schelde, and been disposable for the occupation of Santvliet. If the honourable gentleman had been able to take a part in military transactions, he would have undertaken to have conquered Flushing with 6000 men, and would have answered with his head for the success. Leifkenshoeik might be taken in the same manner in three days. Thence they would proceed against Lillo, and take it

too. If things might not be done as he had now stated, he would consent that any military reputation he ever had should be blasted for ever.

It might be asked, what would be done with South Beveland? To this he answered, that the batteries might have been taken in a few hours by the boats belonging to the ships. Then they would proceed to Bathz, which might be taken within the same time General Hope had employed in that service. Having taken Lillo and Liefkenshoeik, and opened the Scheldt to the navy, he should then have looked to a combined operation. It was in evidence, that the officers employed in the expedition would have engaged to have opened a fire on Antwerp, from 30 guns, within 10 days after landing. He would not be satisfied with this, but would have combined with it an opening on their glacier. With the assistance of guns from the ships, he would have engaged in this manner, within 15 days, to have made a breach on their glacier, which would, he was convinced, as was almost uniformly the case, have ended in the immediate surrender of the town, rather than encounter the horrors practised by an outrageous soldiery. As to the force which he would have been able to bring to this service, of 38,000 men arrived in the Scheldt, 7000 being left in Flushing, 2000 at South Beveland, 2000 at Santvliet, and 7000 at Lillo and Liefkenshoeik, there would remain 20,000, which he would divide in the following manner—8000, with a body of seamen, &c. for carrying on the siege, and 12,000 to cover the operations. With that force, he pledged himself that he would have effected the object. As to the garrison of Antwerp, their only chance to secure themselves would be by remaining within their covering. They would then proceed to Breda and Bergen-op-Zoom, which they would also attack, and which, by God, they would also be able to take. (*Order, order, and a laugh!*) These, he pledged himself, might be done, had it not been for the accidents of wind and weather. He next adverted to the arguments advanced against the detention of the island of Walcheren, and though feeling with deep regret for the valuable lives which had been lost, still he contended that ministers, if they had hastily abandoned such a position, which neutralized their naval force in the Scheldt, would have been deserving of the highest censure. Many were the instances where it was proved that the visitation of even the most pestilential sickness was not considered a

justifiable ground for the evacuation of an important possession. When Gibraltar was visited with the plague, did the government of that day issue orders for withdrawing its garrison? On the contrary, reinforcements were sent out during the progress and continuance of the malady; and even General Fox was at that particular period sent out to take the command of that fortress. The same course was observed when, during the last war, St. Domingo was afflicted with a most malignant fever. From the evidence before the house it was discernible, that if blame was merited, and he believed it was, it ought to rest with those in the medical department, who did not take steps to procure those palliatives which might have checked the inveteracy of the disease. After many other observations upon the evidence, the honourable general concluded with moving, as an amendment, that after the word, "that" all the rest of the original resolution should be left out and the following two substituted: — "That this house, taking into consideration the extreme importance of destroying the extensive and increasing naval means and arsenals in the Scheldt, where a considerable navy has been already constructed, which was growing with great rapidity, and to a formidable extent, and also taking into consideration the expediency of making a diversion in favour of Austria in the critical state of the war on the continent, at the period of the undertaking of the expedition. Considering also the probability of success arising from the reduced state of the forces in the neighbourhood of the Scheldt, is of opinion that his majesty's ministers were justified in applying the naval and military means in a manner which combined a great national object with the prospect of affording essential assistance to our allies, in advising the undertaking of the expedition, notwithstanding the difficulties with which it seemed to be attended—difficulties which have appeared to the house to have been increased to a degree not to be provided against by a state of wind and weather altogether unusual at that season of the year, which was most unfavourable to the projected operations.

"That this house sees with the deepest regret the loss of valuable lives, which, by the diseases of the climate, has been occasioned in that unhealthy situation; yet, taking in o consideration, the great and acknowledged importance of the island as a naval station, and the necessity of rendering it in case of its being abandoned, as little available

to the enemy as possible; and also taking into consideration the state of the negotiations between Austria and France, and the grounds possessed by ministers of renewing hostilities, that the retention of the island of Walcheren was likely to effect both these objects; and considering also the time which must necessarily elapse under any circumstances before the island could be evacuated, the house is of opinion, that no blame can be attributed to his majesty's ministers for not having at an earlier period ordered the evacuation to take place."

Mr. Herbert (of Kerry) expressed his anxiety to decide upon this question solely upon its own merits, unprejudiced by party views. In every view he could give the question, it was impossible for him not to have wished that our assistance was not fully applied to Spain. The reason stated with respect to the want of bullion he could scarcely believe, when he considered this country's great commercial advantages. Still, from the evidence before him, he must say, that in the expedition to the Scheldt, the means were adequate to the end, and the end useful. It was the best diversion this country could make with the least risk. With such impressions he could not vote for censuring his majesty's ministers.

Mr. Marryatt said, that from the fullest attention to the evidence, he considered the policy of the expedition justifiable. Had this country not made the diversion in favour of Austria, particularly after the battle of Aspern, he should have conceived the conduct of ministers extremely censurable. With respect to the preference, which it was contended, ought to have been given to the north of Germany, he thought that the one pursued had this great advantage, that it allowed us to avail ourselves of a naval co-operation. Besides, it combined a great national interest with essential assistance to our allies. Much stress had been laid upon the military opinions, and which seemed to discourage the execution of this project. That such opinions were not infallible, there was a strong proof in the case of Lord Gambier, who, when consulted upon the practicability of destroying the fleet in Basque Roads by fire ships, returned an answer that it was a horrible mode of warfare, and both dangerous and desperate in the attempt. Yet this attempt was afterwards made with the greatest effect, and that noble lord, as the commander of the fleet, received the thanks of that house. The honourable member also

supported the detention of Walcheren until this country had the fullest certainty that peace had been concluded between Austria and France.

Sir James Hall stated his opinion that ministers were responsible for the calamities which had befallen the country, and particularly the noble lord opposite (Castlereagh). He was not solicitous for a total change of ministers, but he wished to see a noble marquis (Wellesley) in the more important part of the administration. He was fully convinced, that if that noble marquis had the reins of government in his hands, such a mortifying issue would not have resulted from our military operations.

The cry of *Adjourn* being very general, the debate was adjourned until the following day—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 28.

BREACH OF PRIVILEGE.

Mr. Sheridan rose, and said that he had arisen to say a few words upon one of the most important matters upon which that house had ever deliberated: he meant the resumption of the adjourned debate on the complaint of a breach and violation of the privileges of the house, alleged to have been committed by one of their own members (Sir Francis Burdett). He should, therefore, in the first place, move that the debate on that subject be now resumed by the house.

The Speaker then stated to the house what was the question before them for discussion, which was a resolution proposed as follows: "That the letter signed Francis Burdett, and the further argument which was published in the paper, called Cobbett's Weekly Register, on the 24th of this instant, is a libellous and scandalous paper, reflecting upon the just rights and privileges of this house."

Mr. Sheridan then rose again, and after a few prefatory observations, said, that it was his own wish, and he was almost certain that it must be the sincere wish of every gentleman who considered the subject, that whether the present question were one, as many must believe it to be, of the highest importance; or, as some others might perhaps consider it, one of inferior moment, yet, in

neither case should the discussion of it interfere with and interrupt the examination of another question of so great importance, and of such magnitude, as that which the house had already under their consideration. He should hope that such were the opinions and feelings of gentlemen on both sides of the house. But this much he would venture to say, that if the house proceeded with haste and precipitancy to the discussion and decision of this question of breach of privilege, they would find that they acted with manifest injustice to the individual who was the subject of the complaint, and to the honour and to the character of the house of commons itself. If a member came forward with a short charge, upon some point concerning the forms of the house, any matter of inferior importance, or which was at once clear and undoubted, the entering immediately into the consideration of it might be the better mode of proceeding; but the present charge was of a very peculiar and important description, and concerned no less a question than the right of the house of commons to imprison the subject for a breach of their privileges. If the matter of charge contained nothing but what had been before spoken in the house, it involved various considerations; for it could not, perhaps, be supposed that words would be allowed in that house, by the Speaker, who always presided there with impartiality and dignity, if they were words to that effect to which it was alledged the printed words went, without the Speaker's interruption and reprobation. He confessed that he could not learn where to find the doctrine that seemed to be held, that the house was to go hastily into the consideration of every question on matters of breach of privilege. There was, in his opinion, nothing of emergency in the present case to call for it. But there was a mode of proceeding on such subjects which appeared to him to be the fittest, and to which he begged leave to call the attention of the house. At the commencement of every session, it must be well known to gentlemen, that a standing order was passed on this point, and he should read the last standing order of the kind, by which the committee of privileges was appointed, who were to meet on Monday se'nnight, at seven o'clock, every Wednesday, and Friday, and Monday at the Speaker's chambers, which committee every member, who chose to do so, had the right of attending, and had the right of voting in. It had the power to

examine and consider all matters concerning the privileges of the house, and was to report thereon to the house, and for that purpose it was empowered to call for such papers, records, &c. as might be wanted: and farther it was stated, that in case of complaint made, the member complained of having been heard, after the statement or the complaint, was then to withdraw. He was desirous of knowing whether establishments of this kind were to be considered as mere dry, barren matters of form, or as solid claims to a judicature on the privileges of the house. This committee was appointed like the committees of trade, of justice, and so forth, and which were a sort of sacred reserve on the part of the house of commons, with respect to the most important subjects. Could any body shew him any thing that required so great haste, such a velocity as was proposed in the interruption of a grave and most serious discussion? He thought that a person preferring a charge, under such circumstances, was bound to show to the house clearly, that some material injury would result from a little delay, before they entered into deliberations upon it, pending another discussion. The committee of privileges were also directed, on such cases, to report from time to time: and it did appear evident, that the constitutional mode of proceeding would be to refer this matter to that committee. He should not think it necessary, out of many cases, to trouble them with more than one case, by way of precedent or illustration on this head; and he must say that it would not answer him to tell him that it was not usual to do so. He should have nothing to do with that. He found a standing order to the point, and he desired to see that standing order enforced; as, in the committee, they could call for all papers and records, and could satisfy themselves. The case he had alluded to had occurred in the year 1779. The person then complained of was not a member of that house; but if his case was referred to the committee of privileges, surely, in the present instance, when a member was concerned, there was much stronger reason for doing so. The matter complained of was contained in a newspaper, called the *English Chronicle*, printed by Thomas Matthews, which was represented as a gross libel. The paper was read, and it was ordered to be referred to the committee of privileges, who were desired to examine the same and report their opi-

nion thereon. He therefore intended to move, that that committee be ordered to sit on that day se'nnight, and that the subject of the present complaint be referred to them, and that they be desired to report to the house thereon.

The Speaker observed, that the motion of the right honourable gentleman must come as an amendment to the motion already before the house.

Mr. Sheridan said, that he had not meant it as an amendment, but as a demand made on the foundation of a positive standing order.

The Speaker said, that this idea of the standing order did not exactly apply in this case. If the house chose to order the committee to sit, then the standing order would apply to the committee, which, though it existed in principle, was dormant in practice. It must, therefore, he conceived, be moved as an amendment.

Mr. Sheridan observed, that he had conceived of the nature of the standing order to be as mandatory on the committee to consider such matters, as for it to sit every Wednesday, Friday, and Monday, and that all members who should come to it should have the right of vote.

The Speaker remarked, that there must be a specific case to put the standing order into practice. The forms of the committee were prescribed; but the case must be specific.

Mr. Sheridan then rose again, and moved as an amendment, that the committee be ordered to sit on Wednesday next; and that the papers complained of should be referred to their examination, and that they be desired to report thereon.

The Speaker requested to be clearly understood, and begged the right honourable member to specify his amendment distinctly.

Mr. Sheridan then stated, that the object of his amendment was to leave out all the words of the original motion after the word "That," and to insert in their place the amendment he had already moved, which he repeated.

The Speaker re-stated the question before the house, and then stated the amendment, which commenced after the first word "That." He then desired the clerk to write down the amendment.

Mr. Adam then rose, and begged to say a few words, as

he believed that the business was not so far advanced, on the amendment of his right honourable friend, before the question upon it was put in a regular shape, as to prevent his observations. His right honourable friend had suggested a committee of privileges on the present case. He (Mr. Adam) wished to mention a case to the house, which might be useful at present: that was a case that occurred in the year 1701, when that committee sat on the letter of Mr. Culpeper to the Speaker, which was referred to them. They considered it, and reported afterwards their opinion. But then, subsequently, the house had to enter into the discussion of the merits of the business. Now, he thought that it was rather placing the house in an awkward predicament if they left out in the amendment the complaint and charge stated. He hoped that his right honourable friend would have no objection to wait for another friend's motion, which he had understood would be made for the adjournment of the debate on this subject till to-morrow se'nnight, under an understanding, that, pending that period, the committee of privileges would take the matter into their deliberate consideration. - - -

Mr. Brand rose, when the Speaker observed, that at present the debate rested on the merits of the original question, unless the amendment was distinctly put.

Mr. Brand then proceeded. It was his intention to move the adjournment of this debate. He was perfectly sure that the honourable gentleman who introduced this business opposite, had not been aware of the serious interruption he was giving to the grave and weighty question that had so long occupied the time of the house in previous examinations. If he had, he was convinced that he would never have lent himself to the introduction of such a discussion, especially as he must have seen that no immediate danger could be apprehended from the circulation of the paper in which the matter complained of was contained, and as great, positive, and immediate danger was to be feared from diverting the attention of parliament from a most important and serious question. This was, he feared, the case, as it related to himself. Great and important, however, as he thought that question to be, still he would acknowledge, that he considered every question in which the rights and privileges of the house of commons, and the liberty of the subject were concerned, to be of the first rank in the scale of importance, and to be

more interesting than twenty questions on expeditions to Walcheren, and their consequent failures and disgraces. But it had been a question often discussed, not so much as to the right of the house to commit for breaches of privilege, in certain cases, but as to how far the exercise of such rights extended; where their limits should be placed; whether they should be exercised where the offence is remediable in other courts, or the offence be brought immediately before the house and pronounced upon. All these and more were points upon which much difference of opinion existed. He meant not at that time to enter upon the great question, nor to draw any particular limitations to the exercise of privileges and rights; nor to say whether the question of committal by that house, in cases of libel, should open their views to any new law upon the subject; nor to draw into consideration and debate any particular passages in the paper complained of. It would be, indeed, a question of great importance to that house, and to the subject, if, while they were occupied with another important and complicated discussion, they should rashly and impetuously come to a decision upon this matter. It did not matter, at present, whether he agreed with or dissented from the resolutions proposed. It might, perhaps, be incumbent on him to say something of his opinion, which he should do afterwards, and could not then hesitate to mention, since he always avoided the concealment of his opinions. There was one part of the passages complained of, he meant the last, which he was inclined to think, came under every definition of a breach of privilege that he had known; and he was disposed to vote for such a determination, under such modifications and amendments as he should propose. The passage to which he particularly alluded, states, that the house of commons had "by burgage tenure become the proprietors of the whole representation; and in that capacity, inflated with their high blown fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people." But, still, when he was called upon to call it "libellous and scandalous, and reflecting on the just rights and privileges of that house," he must ask, what were those rights? He had run over that morning very hastily, a work of that great lawyer, Mr. Hargrave. He wanted time to examine him and my Lord

Hale, and other great constitutional lawyers on this, and opportunity to mature his opinions. My Lord Hale had said, that such questions ought not to be adjudged by the house as are remediable in the courts of law. Was not a libel so? Could there be any thing more apposite? Was not that the proceeding in the case of Reeves? Was he brought to judgment by the house? Was not the Attorney-general ordered to prosecute? He did not wish to pretend to a shew of learning; there were many points to consider; one, he thought, might amount to a breach, but the others required much examination. He was unable to decide whether a member might say or not to his constituents whatever he had delivered in that house. This and many other points were not clear, though included in the general description. Many of them had been stated by Sir Francis Burdett in the house, and had been enlarged upon and defended by others. How far he was right, having been here unreprimanded by the Speaker, he could not tell. Another offensive passage began thus, that "the house of commons had passed a vote which amounts to a declaration that an order of theirs is to be of more weight than Magna Charta, and the laws of the land;" and ended by describing the house as "a part of our fellow subjects, *collected together by means which it is not necessary for me to describe.*" Now, if the worthy baronet had a right to say what he had said in that house, it was absolutely moderation in him, to forbear from stating *the means* by which some elections to the house were obtained. That after recent evidence and admission of the fact, he should have re-stated it in terms so moderate and gentle, was matter of surprize. The honourable gentleman must not have recollected the transactions of only the last session! (*Hear, hear!*) He should abstain from many other remarks on the facts charged; but he would say, that there was no part of the letter that had not been expressed in stronger terms in that house, even than those of the last passage; to a modified, moderate resolution of their disapprobation of which, he felt prepared to assent: but on that he could animadvert afterwards. He wished to be sincere; but he found not a word that was not in Sir F. Burdett's speech, delivered in parliament at a time when he had not himself the good fortune to be present, and give his opinion on the question of parliamentary reform. It was delivered in the freedom

of speech in parliament, and why might it not be published? He desired to have constitutional learning on that head. He would avoid the merits, but he desired a proper, calm, sedate consideration of so grave and important a business. As he hoped he might call the honourable mover his friend, he would say to him, "Grant time." Was there a man in the country who would not think that consideration was demanded? He did think the right honourable gentleman opposite was glad to catch at the opportunity which this business afforded, for diverting the attention of an attentive house, and the feelings of an indignant people, from the serious discussions that were going forward, and in which the honour, character, and interests of the house and the country, were so deeply concerned. (*Hear, hear!*) He was convinced that his honourable friend (Mr. Lethbridge) would, in his cooler moments, regret that he had, upon this occasion, allowed himself to be made the instrument for such a purpose; (*Hear, hear, hear!*) and that he should have been persuaded to throw out this *sop* to the indignant feelings of the house upon that other great question! (*Hear, hear!*) He was willing to believe that he would be the first to rise and second the amendment with which he was about to conclude. (*Hear!*) The honourable member then moved, that the debate be adjourned till to-morrow se'nnight.

Mr. Lethbridge again rose and said, that as the mover of the resolutions before the house, he could not consent to the proposition for adjourning the debate. He had most certainly, at the time when he brought forward the resolutions, been sensible that he was entering upon a grave and serious subject, and it had never been in his contemplation to proceed in it with precipitancy. That had not been at any time his wish, and he conceived he had placed himself in the hands of the house, and that the house had determined for him. Further than that, he had nothing to do with the course which had been pursued. But the argument of the honourable gentleman who had brought forward the amendment, furnished the strongest ground against agreeing to it. The honourable gentleman had stated that this question was of graver and greater importance than twenty expeditions, such as that to the Scheldt, or to any other part of the world. In this sentiment of the honourable gentleman he coincided; and

if no other argument could be suggested for proceeding immediately with the discussion, he should, upon that alone, refuse his assent to the adjournment. He should not follow the honourable gentleman through the various statements he had gone into, nor the able arguments, as he conceived them to be, which had been urged by him. He had but one word more to add, and he hoped the house would believe him as sincere in the declaration, as he believed the honourable gentleman to be in all that had fallen from him. The honourable gentleman had stated, previously to his making his motion, that he (Mr. Lethbridge) had lent himself as an instrument in this business to his majesty's ministers. If he had so lent himself, he should never cease to regret it as long as he lived. He had not lent himself to any man, or to any set of men. The motion he brought forward had originated in his own mind, and he had been induced to engage in the proceeding upon considerations of his own.

Mr. Curwen was ready to assert, that he should have deprecated the discussion of such a question, and at such a moment. It was impossible that, at a time when the house was so wholly occupied with the consideration of another grave and momentous subject, that they could be in a state to pronounce a cool and deliberate decision upon this question. On a motion such as that which the house was then discussing, it was highly desirable that neither individual feelings of partiality, or party considerations, should influence their judgment. That was not a moment to bring such feelings into a discussion upon a subject like the present; and he should call upon the right honourable gentleman opposite (the Chancellor of the Exchequer) to pause, and to consider the consequences that might result from adopting any precipitate course on the present occasion. It was impossible for that right honourable gentleman not to see the consequences that must inevitably flow from any hasty proceeding upon a question arising out of a breach of privilege, which might alarmingly agitate the public mind from one end of the country to the other. For himself, he could conscientiously state that he had not yet made up his mind upon the question; and if he should be compelled to vote on that occasion, he must say that it was absolutely impossible for him to vote for the motion. Were he to vote for that motion, he should be bound to vote also for the strong reprehension

of the house being expressed respecting the author of the paper upon which the motion was founded. But the matter would not rest there. The house would be obliged to resort to some strong ulterior measures; and before they should be driven to that awful necessity, it behoved them well and seriously to consider whether the paper complained of really contained matter calling for the adoption of measures, from which might arise such a feeling in the country, as he, for one, would most sincerely deprecate. If forced to proceed, therefore, in this instance, it was his intention, nay, he must be compelled to vote against the motion. If time, however, should be allowed to gentlemen to make themselves acquainted with the whole of the case, he was persuaded that in such a case there could exist but one opinion upon the subject, and that the decision of the house would be unanimous. As to the right of the house to commit for contempt, that was a privilege which it necessarily must have; but it was also a privilege which should seldom be exercised, never except in cases where it was actually necessary to assert the dignity and authority of the house. All he asked of the house was, that he should not be pressed to a decision in the unprepared state in which he felt himself to decide justly. It would have been much better that this paper had never been noticed, as in that case, he conceived that it would have soon sunk into oblivion; but as it had been brought under the cognizance of the house, the honour of the house required that some step should be taken respecting it. With this opinion impressed upon his mind, it was his wish not to be forced to a crude and premature decision. And if many other gentlemen were, like himself, ready to avow that they were not prepared to come to a vote upon the question, he would put it to the house whether it was consistent with justice or decency to force them to it? Never had any question been discussed in that house which called for more temper, more consideration, or was more intimately connected with the honour and character of the house. He should again therefore conjure the right honourable gentleman not to hurry on the question to a decision. A little time would clear away the difficulties with which it was at present enveloped, and lead to an opening to measures which might, perhaps, substitute conciliation for severity. In his own opinion, the honourable baronet was in some degree de-

serving of the reprehension of the house, but that might be so managed as neither to compromise the dignity of the house, nor transgress the bounds of justice and moderation. He would ask the right honourable gentleman how he could answer, at a period when unanimity was more than ever desirable, for the irritation and heated feelings which any other course would be likely to produce in the country? If, notwithstanding, the honourable gentleman should persist in pushing on the decision, on him should rest the responsibility for the consequences. He was well aware of the sound mind and good sense of the people of this country; and though they might be led astray by deception or passion, he was convinced that, if that house would shew that it was actuated only by a sense of its own dignity, without any regard to more partial and confined considerations, the nation would cheerfully acquiesce in its decision. But in order to produce this effect, it was necessary to prove to the public that, in the exercise of its power or privileges, that house was not influenced by any feeling against an individual, but really consulting its own dignity and character. On every ground, therefore, it was his opinion that they ought to proceed calmly, deliberately, and dispassionately. The house could but recollect, that, in consequence of being led away by a contrary feeling, its journals had been disgraced by proceedings which, though subsequently expunged by a succeeding house, would ever reflect discredit upon that which had sanctioned them. He alluded to the proceedings against Mr. Wilkes, in which, by giving way to the influence of feelings of hostility to the individual, the house had been carried into a course of proceeding subversive of the fundamental principles of its constitution. Though parliament had afterwards expunged from its journals the record of these oppressive and unconstitutional measures, still the remembrance of what then passed survived, and should be a warning to all future parliaments, not to give way to such feelings, or precipitately to decide upon questions of a similar description. He had been one of those who voted against all the arbitrary measures which had been resorted to on that occasion; and, on the same principle, now besought the right honourable gentleman not to press precipitately forward the ultimate decision upon a question of such importance to the reputation and honour of that house. He trusted

the example to which he had alluded would never be imitated. If the house were to come to a decision, it should be such a decision as would be consistent with justice to the individual and to the dignity of the house. No such decision could, in the present instance, be impartially or dispassionately pronounced. As a member of that house, therefore, who, since he had the honour of a seat in it, had never been influenced by any feelings of private attachment, or party interests—who had uniformly, on all occasions, and under all circumstances, given his vote to the best of his judgment, and according to the dictates of his conscience, with a view to the common interests of the country—who felt himself unprepared at present to give any vote satisfactory to his own mind, but who was anxious to pronounce judgment on the real merits of the case; he called upon the house of commons to allow a small portion of time for the more mature consideration of this important question.

Mr. Owen hoped that the house would decide without further delay the question under discussion. The real question now was, whether the house was to suffer itself to be intimidated, whether any man should henceforth be at liberty to reflect upon its rights and privileges. He trusted, therefore, that the house would have the courage to assert its unquestionable rights, by not deferring the decision of the question before them. He felt astonishment at the amendment which had been moved; and he was still more astonished at hearing the right honourable gentleman (Mr. Sheridan), whom he had been accustomed to listen to with respect upon all constitutional subjects, represent the present as a question of no urgent nature or importance. (*Hear, hear, hear!*) He could assure gentlemen that he was not to be intimidated from doing his duty. The right honourable gentleman had said that the question was not of any urgency. The honourable gentleman who followed, had, however, stated, that in his opinion this question was of much more moment than the discussion of the merits of the expedition to Walcheren. The question, in his mind, whether his majesty's ministers were culpable or not in the conduct of that expedition, was not to be put in competition with a question, whether the house of commons was to remain independent, whether it was to preserve its privileges and authority, or to be beat down by personal intimidation. Whether such

attempts were to proceed from members of that house, or persons out of it, he trusted the house had courage enough to repress them. He agreed that this question was of ten times the importance of the discussion respecting the expedition. But the argument which had been urged for delay appeared to him extraordinary, as if indeed the delay of a few hours, before they should come to a decision on the discussion respecting the expedition, would let the evidence out of the minds of gentlemen. The statement in the paper, which was the foundation of the charge, that the bill of rights was made a bill of wrongs, was sufficient to justify the house in proceeding. But that was not all; the paper stated that the exercise of the privileges of the house of commons was subversive of the laws and constitution of the country. Was that a proposition to be passed over with impunity, which they should not seize the earliest opportunity of deciding upon? It would have a very injurious effect upon the minds of the people, if the house of commons should imprison a person not a member, for a libel, and not dare to notice one of its own members for the same offence. The decision upon this question would, he was confident, increase those sentiments of attachment to the constitution, which he knew to exist in the different parts of the country with which he was acquainted. He thought the passage in which it was asserted, "that that house lorded it over the king and the people," was a gross libel upon the house of commons. He trusted, therefore, that the house would do its duty, and neither be intimidated by a fear of the people, nor influenced by respect for any individual, to defer the consideration of so important a question.

Mr. Whitbread begged pardon of the honourable gentleman who had just spoken, if he could not, in the outset of what he had to say, express himself with the same clearness in his own words, as by adopting the language of his right honourable friend, and saying, that he had never risen to speak on a subject of greater importance. Such were the words of his right honourable friend, which that honourable gentleman had greatly mistated, when he said that his right honourable friend had represented the question as one of a light nature. It was because the subject was not light but momentous that he rose then to ask, as he had done last night, for some delay before he should be called upon for his vote. In justice to the honourable member

who originated the motion, he must say, that it was not his wish at first to proceed precipitately with the question. But to the right honourable gentleman over the way (the Chancellor of the Exchequer), who was mainly interested in the question already under discussion, a question, which the honourable gentleman who had just sat down, considered comparatively light, was to be ascribed the precipitancy with which the discussion was pushed forward. The question which had so long occupied the whole attention of that house, so far from considering light, he regarded as one of the greatest moment, as well to his majesty's ministers as to himself. (*Hear, hear, hear! from the ministerial benches.*) He despised such feelings as appeared to give rise to the cheer, and would repeat that the question was of moment to him, because it was desirable to every honest man to be enabled to be in full possession of every thing that could enable him to form an impartial judgment. The house would give him credit, he was sure, when he said that the question before it was momentous though not pressing. He saw no reason why the same time should not be allowed now, as when the Chancellor of the Exchequer and the Lord Viscount Castlereagh were charged with a breach of the privileges of that house. The right honourable gentleman would recollect, that when that charge had been first brought forward, he rose in his place, and after stating that he was taken by surprize, made his bow, and retired; after which a delay of five days was allowed before he made his defence. He had voted in the minority on that occasion; and to the decision of the house in that instance, and the conduct of his majesty's ministers, they were to look for the degradation of the house of commons in the opinion of the people. The house would also recollect the case when Viscount Castlereagh was charged with bartering for a seat in that house, and was sheltered by the amendment of a right honourable gentleman (Mr. Canning) not then in his place. That proceeding, coupled with the resolution of 1779, which made such a practice a breach of the privileges of that house, had contributed to the degradation of parliament. He begged also to remind the house of the threat respecting the dissolution of parliament, thrown out by the same right honourable gentleman shortly after he came into office, and of the realising of that threat shortly after by the dissolution of parliament; and then to ask, to whom was the degradation

of parliament to be attributed? (*Hear, hear!*) On the present question then, of so much importance to the independence of that house, and the interests of the nation, he asked for time to consider it sufficiently. The same application he had made 24 hours before, and in the period that had since intervened, he had not had time to consider the subject. In this respect the honourable gentleman opposite, and his honourable friend, had the advantage of him. He had marked the passages specified by the honourable mover, but had not yet been able to look into them. In this situation, he could not think of deciding upon extracts made by any gentleman, however honourable, without being able to refer to the context. The house would recollect the nature of the speech of the gallant general (Craufurd) last night, who had produced a campaign of his own instead of the imaginary campaign of the noble lord, and concluded with an amendment expressive of the approbation of the conduct of his majesty's ministers, without any one document or argument produced in their justification. Whilst the honourable and gallant general was proceeding through the details of his campaign, he could not but think that every honourable officer who had served on the expedition would have wished for mountains to cover, or seas to overwhelm him, in order to escape the indignation of the public. (*Hear, hear!*) When charged with a wish to delay the discussion on the conduct of the expedition, the right honourable gentleman had referred to his conduct during the whole of the investigation to prove the contrary. He was ready to admit, that the noble lord, not then in his place, had conducted himself with great propriety throughout the whole of these proceedings. But when the right honourable gentleman referred to the papers not yet delivered from the printer's as a cause of delay, he must observe, that whatever might be the abilities of that right honourable gentleman, he could do but one thing at a time. It was the opinion of a great man, that that was the manner in which all things were done. As they were not pressed for time as to the present question, there was no ground for interrupting that in which the house had been previously engaged. When the notice of the motion had been given by the honourable gentleman, it was suffered to lie over for twenty-four hours. Why, then, not lie over for a longer period? He gave the honourable gentleman (Mr. Lethbridge) credit, when he

said, that he had not lent himself to any man in the course he had taken; but he must be allowed to add, that the honourable member had allowed himself to be influenced by the Chancellor of the Exchequer. (*Hear, hear!*) The honourable member was willing to allow time, but the right honourable gentleman had availed himself of this question as a god-send (*Hear, hear!*), in the same manner as a drowning man would catch at a straw. It was an old saying, that many things happened between the cup and the lip, so also did many things happen between the halter and the gallows. (*Hear, hear, hear!*) He did not mean to say, if he was to go to the extremity, that the right honourable gentleman was entitled to be beheaded, neither had he meant to apply the allusion to him. Gentlemen might recollect the case of a soldier, who, on the retreat in Spain, had been tried by a court martial for some heinous offence, and sentenced to be shot. The detachment of cavalry was drawn up for this execution; but, fortunately, the enemy came in sight; the cavalry escaped, the culprit was put on a horse, and fled with the rest, and so the whole ended. As he trusted the house of commons would never shew any fear, so also he hoped that it would not manifest either favour or partiality to any person.—(*Hear, hear!*) He thought the house, by acquitting the right honourable gentleman last session, had shewn such partiality, and thereby contributed to that degradation into which some persons supposed the public to consider it as fallen. The right honourable gentleman had certainly been charged with a breach of the privileges of that house. Lord Castlereagh, however, had, and if not for the gentlemanly terms in which he made his excuse, which disarmed the resentment of the house, and the amendment of a right honourable gentleman (Mr. Canning) which gave rise to a coinage of a new word, in the language of the right honourable gentleman, "lest a mistakeable record should appear upon the journals," he must have been convicted. But the right honourable gentleman desired that the house should not suffer itself to be intimidated. For himself, he could say, that he had never at any time been afraid to avow his sentiments. Yet at the same time that he would not be intimidated from expressing his sentiments, he would not be intimidated to act with a false courage, or to do a thing in order to shew that he durst do it (*Hear, hear!*), nor to do any thing,

which, in his best conviction, he should not think right. If he were the only one who was not, and had not an opportunity to be acquainted with the paper, then he might be the only one who should vote for the adjournment, and on a ground which to him appeared unanswerable; but he had another ground, arising out of the good feelings of the honourable members opposite (*the mover and seconder.*) When he heard these honourable gentlemen, in stating their sentiments, allude to combinations in that house, and the spirit of jacobinism out of it, he could scarcely believe that he was not listening to the organs of the late Mr. Yorke—(he begged pardon) of the late member for Cambridgeshire. This was the legacy bequeathed to that house by the teller of the exchequer. (*Hear, hear!*) That right honourable gentleman had made a complaint against John Gale Jones, who made a respectful apology at the bar. (*No, no!*) As he was informed that person had conducted himself with decorum at the bar, and on that ground it was his opinion at the time that he should be discharged. Every thing that had since been done on the subject tended, step by step, to make Jones a greater personage than he could otherwise have hoped to become. It was not his intention then to give any opinion as to the right of the house to commit for contempt; that opinion he had before stated, and it was not necessary for him to repeat. He begged here to return to what he had been drawn off from longer than he had intended—the allusions of the honourable gentleman (Mr. Lethbridge) to combinations in that house. The honourable member had said that on hearing certain statements in that house, he was so affected, that his hair stood on end. (*A laugh.*) Now that the house knew that he had the gift of language (though indeed he had heard that honourable gentleman before make a motion respecting double-barrelled guns (*a laugh*), he trusted that he would not remain silent; but when he became sensible of this visible effect, suffer his moral to overcome his physical impressions, and move that the terrifying words be taken down. (*A laugh.*) It would certainly be on every account desirable that he should not suffer the agitating words to remain in oblivion for three weeks, and then the unfortunate utterer of them become the object of another charge, by bringing them in judgment against him. (*Hear, hear!*) He should appeal to that bench of lawyers whom he saw before him (*a*

laugh), whether such a practice would be allowed in any court of justice: whether, on a trial for one offence, it would be tolerated to give in evidence a previous act which had never been questioned? He was bold enough to differ from the honourable baronet, though he had not read his statement. He had heard the speech of that honourable baronet with attention, but without being convinced. That speech appeared to him an able one, but the fault he found with it was, that it would not, if agreed to, advance the object of the honourable baronet one step. He also found fault with his having published in his argument any thing which he had not stated in his speech, when he brought forward his proposition. It would have been matter of surprise if his noble friend (Lord Porchester) had not brought forward any motion calculated to promote the objects stated in his able speech, on the proposing the resolutions founded on the late investigation. Another comment he had to make against the honourable baronet was, that when he published his letter and argument, he professed to publish the substance of his speech. He had read the letter, and thought that there was nothing in it which any country member might not have addressed to his constituents. Having read the letter, he put the argument in his pocket, supposing it to be the same as the speech which he had heard. On coming down to the house, however, he was informed that a notice had been given of the motion by the honourable member. When he heard this, he thought that the matter would soon be over, as he did not think there was any thing exceptionable in the speech. But he was afterwards informed that there were many things in the argument which were not in the speech; and it was upon the ground that he was not prepared to give an opinion upon any one of these new passages, that he wished for the adjournment of the discussion. It was impossible to say that any one passage was a libel, without considering the whole, and ascertaining how each might be explained or modified by the context or other passages in the paper. That he should do, if allowed time to consider the paper; but if not, he should not be driven to vote for the resolutions of the honourable gentleman. As a juryman, and he looked upon the house as in that instance called upon to perform the functions of jurymen, he should, in case of any doubt, feel himself bound to pronounce the party in-

nocent. Others were no doubt in the same situation with him; and he had no hesitation in saying, that any honourable member who felt a doubt upon the subject, was bound to say not guilty. What detriment, he would ask, could result from agreeing to the adjournment of this discussion? All gentlemen were not so highly gifted as the right honourable gentleman, to comprehend the details of two important subjects at once. They had not, as that right honourable gentleman seemed to have, cells in their brains for the reception of different kinds of evidence, nor that constitution of intellect which enabled him to cast shades over one description of evidence, whilst he applied his attention to another, and then to withdraw these shades at will, for the purpose of proceeding to the consideration of the temporarily secluded subjects. When the right honourable gentleman, therefore, called upon the house, not possessing the same advantages with himself, to divide their attention between two questions, he was doing an injury to the house, to each individual in the house, and to the nation. But what effect the right honourable gentleman might have expected from this interruption, he trusted he would be disappointed, as well within as without the walls of that house. He might suppose that the public would be distracted by this question from paying the same attention, which it would otherwise, to the question in which he was so deeply and personally interested. But the public he believed to be too wise to give into that delusion. The right honourable gentleman would gain but a short respite before the decision should be pronounced upon him. The honourable baronet had claims on the house not to proceed precipitately in this question. The house of commons, whose rights and privileges were interested no less than the freedom of the people in the decision, had claims upon that house to proceed calmly and deliberately, not rashly and precipitately. When the honourable baronet had made his motion for the liberation of Jones, he was not convinced by his speech, but had voted for the discharge of Jones, because his previous confinement appeared sufficient punishment, because his offence was light, and because he had conducted himself respectfully when at the bar of that house. He did not mean to detain the house longer, as he should not go into any argument as to the right which had been questioned. He was sure, if the right

was not consistent with law, that the house of commons was too liberal not to relinquish it; but if, on the contrary, the right was legal, that house would always be bold enough to maintain its rights and privileges.

Captain Yorke, unaccustomed as he had been to address that house, still did not think it would require much ability to refute the arguments of the honourable gentleman who had just sat down, and who had so freely criticised the conduct of every member whom he had thought fit to advert to. The honourable gentleman, among other criticisms, had alluded to a legacy which had been bequeathed to that house by the late member for Cambridgeshire. He could assure that honourable gentleman, that whatever legacy was bequeathed by the late member for Cambridgeshire, would be remembered with respect by that house. Certain he was, that it must be as good as any that proceeded from a brewer of bad porter. [Here a general cry of *Order, order! Chair, chair!* continued for some minutes; several members on the opposition benches at the same time standing up in their places to speak to order.]

Mr. Whitbread (as soon as silence could be obtained) rose and declared, that whatever might be the emotions felt by his honourable friends, as to the language which had been used, he could assure the house that he was in no other way affected by it than as a tradesman, and in that capacity he thought the hon. gentleman had no right to hold him out as a brewer of bad porter, (*Hear, hear!*) He only hoped that as the honourable gentleman conceived so bad an opinion of him for following the profession of his father, that he would do his porter the justice to make a trial of it. If the honourable member should order a cask of it, he would undertake to furnish him with the best, and all he should ask in return was, that he would give it to the electors of Cambridgeshire to drink the health of their late member. (*A laugh.*) The cry of *Order, order! Chair, chair!* was again repeated, when

Mr. Croker rose. (The calls upon the chair were renewed).

The Speaker then observed, that unless any other honourable member rose to order, the honourable gentleman (Mr. Croker) was in possession of the house.

Lord Milton then rose and said, that in order to preserve that decorum which ought to prevail in the discus-

tions of that house, he felt himself bound to move that the words of the honourable gentleman be taken down.

Mr. Whitbread intreated his noble friend not to persist in his motion. He was persuaded that the words had not been uttered with any offensive intention, and escaped the honourable member only in the hasty impression of the moment. No apology therefore was desired on his part. (*A call of move, move!* succeeded.)

The Speaker observed, that the turn the discussion had taken since the words had been spoken, precluded him from ordering that they be taken down.

Mr. Croker said, that if a motion of censure had been moved upon what he allowed to be intemperate language, he doubted if the house would have cheerfully adopted any rigorous measures against a sudden sally of fraternal feeling. He then proceeded, after complimenting the good humour manifested by an honourable gentleman (Mr. Whitbread), to comment upon the "argument" of Sir Francis Burdett. He said that that paper was filled with observations he had never dared to utter in that house; in this charge against the honourable baronet, he had been borne out by the honourable gentleman (Mr. Whitbread), who had himself stated that Sir Francis Burdett had in that paper made use of arguments to which in that house he never had resorted. The honourable baronet had questioned the exercise of their most ancient privileges, privileges that had existed in the oldest times of that house, (*No, no!*), he repeated it, and he must be convinced of the contrary by other than monosyllabical arguments; the right of exercise of an undoubted privilege had been denied; an exercise that, in the case in question, had been resorted to without one dissentient voice; there were many passages in that paper which, if clothed in tasteful and gentlemanly language, would not have been so grossly offensive, but there were others, betraying equally unconstitutional principles, and corrupt taste in them; the style, bad as it was, was the smallest fault. Here Mr. Croker cited several of the passages already quoted, which he pronounced as in the highest degree libellous upon that house, particularly the passage which charged the house by proceeding thus, with having exercised a jurisdiction not vested in them. That the house being but one and the inferior branch of the legis-

lature, had shot beyond its limits. He next referred to a passage, which he said the honourable baronet would not have dared to have uttered in that house, and he appealed to the authority of the chair, if he had uttered it, if that authority would not have interposed and protected the dignity of the house from an insult so gross. The passage was as follows:—

"Let this instrument, this thing *sui generis*, be contrasted with the description above given of the properties of a lawful warrant. Does it not evidently appear, that this piece of unsealed paper signed by the Speaker, by which an untried subject has been outlawed, bears no feature of legality? And that from the commencement of this proceeding, in its progress, and to its conclusion, there is not one step that has not been marked in a peculiar manner with disrepect for the laws, a disrespect in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive."

Was this a libel or was it not; or, would it be contended that the honourable baronet was one of those whose principles or meaning could be mistaken? He trusted that the house would feel too justly what was due to themselves and to the honourable baronet, to separate this night before they had visited upon him that censure he had so assiduously earned. He asked, if there was a doubt of the libel? Unless there was a revolution in all the functions and privileges of that house, it was a libel, a gross and scandalous libel, and yet they were called upon for more time. He never would consent to delay for the purpose of deliberating whether the vituperative abuse of that letter was or was not a breach of their privileges. He would read one passage more, concerning which there could be but one opinion in that house.

"They have become the proprietors, by burgage tenure, of the whole representation; and, in that capacity, inflated with their high blown fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people."

So much for the objections of the honourable baronet to their trappings of royalty. He, for his part, knew of no royal trappings in that house but the mace; but he

had read of a great and leading reformer of his day, who had called that mace a bauble. The next passage to which he would refer was the concluding one. He too can quote Scripture for his purpose. Here Mr. Croker read the passage which will be found below; as he commenced to read it there was a laugh; that was certainly, said the honourable gentleman, a most decorous laugh (*Hear, hear! from ministers*). He then applied the passage to the house, and contended that it was so intended to be applied by the honourable baronet. (*No, no!*). If gentlemen really thought him not in order, to convince them of error, he would read the sentence leading to the passage; the whole passage thus cited was the following:—

"One cannot with such impressions in one's mind, help entertaining a fear, that the gentlemen of the house of commons may, in time, unless they revert to the great principles of the constitution, be in danger of incurring the sentence of St. Paul upon the insolent and tyrannical high priest, who had commanded him to be stricken for opening his mouth in his own defence:—"God shall "smite thee, thou whited wall: for sittest thou to judge "me after the law, and commandest me to be smitten "contrary to the law?"

What then was the meaning of the word "Revert?" If gentlemen required leisure, in order to be convinced of the innocence of that document, they might adjourn *de die in diem*, and be as near such a conviction at the end of any given period as at the beginning, for such purpose the longest adjournment would be too short. He concluded by exhorting the house to stand up in defence of their good old privileges, that constituted at once the beauty and the strength of that sacred sanctuary, within which were enshrined at once the rights and liberties of the commonwealth.

Sir Samuel Romilly thought the house called on, out of respect to their own character, to deliberate longer before they came to any decision in this case. Though they were here judges from necessity, yet let them not forget that they were judges in their own cause. This was a time at which they were called on, not sharply, to catch at every supposed or apparent violation of their privileges, but to protect them with temper and moderation, never over-stepping the liberal and substantial rules of justice,

With all the pains he had been able to bestow, in the short period he had it in his power, on the reading of the publication in question, he had considerable doubt in declaring that it was a libel. If he should be compelled to come to a vote on it that night, he must, on every principle of law, and from considerations of substantial justice, as practised in the courts in which he had been educated, say that it was not, because so long as he remained in doubt he must, of necessity, incline to the side of innocence. He was not a person to come to the decision of a question of this kind with that sharp retort, and with that heated temper, which some gentlemen seemed to have brought along with them. However gentlemen seemed to doubt his assertion, he begged of them to come to the decision of the question now before them with temper and moderation. There was not a man who wished more than he did to hold a high check over attacks on the privileges of that house. So far, however, from protecting their privileges, by now acceding to the proposed resolutions, he was satisfied that to do so would have a contrary effect. He was told that the house was not to listen to language of intimidation. He confessed that he had not courage, considering what had lately passed at the numerous great meetings throughout the country, in which opinions, in many instances unanimous ones, on grand public questions, were declared contrary to the decisions of that house, to contend that the majority of that house must be correct, and the great body of the nation wrong, or to set up his own opinion, had he originally formed one in those majorities, against the voice of the nation. The house was now proceeding, however, to dispose of the present question without being accurately acquainted with the true nature and bearing of it. He thought he should be able to satisfy some gentlemen who seemed anxious to come to an immediate decision on the question that this was the case, and that if they were at this moment to decide it on the facts as they understood them, that they would decide contrary to the true import and meaning of the very passages on which their decision was built. An honourable gentleman under the gallery had, as the ground of his opinion, cited a particular paragraph from the argument in question, giving it an interpretation which it would not bear, and without weighing the import of it, after a cursory reading, asked was not this and this libellous? The honourable gentleman (Mr. Owen) had construed the pas-

sage to which he alluded, as if it charged the house with converting the bill of rights into a bill of wrongs; whereas, if the honourable member had perused the passage attentively, he would have found it stated that no one member agreed with Mr. Yorke in imprisoning Mr. Jones under the sanction of the bill of rights. If the house agreed with the honourable gentleman under the gallery, however, in his interpretation of the passage, they must have taken it for granted that this was the decision of the whole house. This was a strange and extravagant construction to have given the paragraph, as, he was convinced, the honourable gentleman himself would admit, after again perusing it. Now, surely, after seeing this high error into which he had fallen, the honourable gentleman would agree that the consideration of the question should be postponed. He was convinced that the honourable gentleman, having for years been of the same profession with him (Sir S. Romilly), would deplore what might have been the effects of so rash and precipitate a judgment. He begged to call to the recollection of the house what was the proposition they were called on to support. It was not that Sir F. Burdett was guilty of a breach of the privileges of that house, but that the publication in question was a libel, and then went on to state, that it was a breach of the privileges of the house. The honourable and learned gentleman would not pretend to say that the publication was not a libel, but he confessed he entertained a doubt on that point. A publication might be a libel in its matter, next in its manner. Any man has a right to discuss every great constitutional question, whether of power or of constituted authority. He might shew his folly in arguing a point in which no other man would agree with him, but still he had a right to do so. There might be inflammatory language in the paper in question, but, at the same time, it was argued with great ability, and all the great authorities and precedents on the subject were given and argued on with great learning. This was a grave argument, and God forbid that any man should be precluded from discussing such a subject. The question then was, if there were not in that paper offensive paragraphs? He agreed that there were; but, then, did they amount to a libel? (*A sort of laugh from the ministerial bench.*) He dared to say that gentlemen much better acquainted with the nature of a libel than he could pretend to be, would be prepared to answer this question, and he should be obliged to some of

them to favour the house with an opinion on this subject. The paper said that the right assumed to themselves by the house was contrary to Magna Charta; and gentlemen objected that many parts of it were conceived in strong language. Why should there not be strong language in arguing a question of great consequence, involving the rights of the public, and the constitution of the country? Was the house called on to interfere, and to measure out the nature and quality of the language to be used in every discussion? Surely it was not on such nice matters as these that the house should be called on as judges? He hoped the house would not suppose that he meant to enter into a defence of this paper. He only meant to state his doubts, whether that house ought to take up this paper as a libel on which they were to judge. It rarely fell to his lot to sit in a judicial character; but so far as he could judge on this matter, he was not prepared to vote in support of these resolutions. There were, as he had already said, offensive paragraphs in the paper, but he could not view them in the mischievous light in which some gentlemen had been induced to conceive them. The paragraph in which the house is stated to "assume the sword of prerogative, and lord it equally over the king and the people," had been particularly dwelt on, as containing matter highly objectionable. He could hardly view it in this light. The honourable baronet might perhaps take offence at his observation, but he could not help conceiving the paragraph as altogether nonsense. As to mischief, he could not conceive how it could arise. It was impossible that the idea of that house lording it over the king could produce any injurious effect. Could any person, not an idiot, or fit to be sent to a mad-house, be deceived by such an idea? Where had that house ever encroached on the royal prerogative? There were other passages objected to, such as an allusion to the "manner in which that house was constituted," and that they were "collected together by means which it is not necessary for me to describe." He would ask the gentlemen opposite, as learned lawyers, to say, if the honourable baronet were to be indicted for those objectionable paragraphs, how the charge would be laid? Where was the inuendo? He recollected a case of this kind, where an honourable gentleman on the opposite side was on the side of the prosecution, and he (Sir S. Romilly) for the defendant, and there, because there was no inuendo, the

case was dismissed. There was a matter to which he wished to call the attention of the house. They were called on to vote this a libel, in a very singular situation. For, if this was the law of the house of commons, a man can be punished by this house when he has not been heard. This was not the law in any court in the kingdom. In any of our courts, when a man is indicted, after the mischievous tendency of the libel is pointed out, he has an opportunity, shewing that such is not the meaning of it; he is allowed to shew what its meaning actually is; and that, though it may admit of the meaning given it on the part of the prosecution, still that is not the meaning he intended it should receive. Here the person accused has no such opportunity. The paper is read, and then he is ordered to withdraw without being heard. He did not mean to say that this was not the law of parliament. He was not so much acquainted with its practice, as with that of the courts in which he was accustomed to practise. He did did not even mean to say that this was not the proper course; but, if they were to pursue this mode, when they themselves were the party, they should, at least, act deliberately; and if they could not call the honourable baronet before them, to hear his explanation of the objectionable passages, they should take care, at least, that all justice was done him. It was admitted yesterday, that time should be given for deliberation. Now, they were to consider what had been done since, and what time had intervened, which could enable the house to have made themselves more complete masters of the subject. Would gentlemen venture to say, that those passages which had been objected to might not admit of a very different interpretation after the house had had sufficient time to consider them? He had already proved, in the person of the learned gentleman under the gallery (Mr. Owen), that there were gentlemen ready to decide on the paper in question, as being a libel, while at the same time, they were under a complete misapprehension of the meaning of the passages on which their opinion was founded. This, he submitted, was a sufficient ground on which to postpone the discussion of the question. It was impossible to say that a fair opportunity had already been afforded for considering the paper in question. It would be useless in him to point out the ill consequences of precipitation in such a case as this; and, notwithstanding the courage of some of the gentlemen who had spoken on the other side, he hoped

the house would take some little time to deliberate before they came to a decision on a question of such importance.

Mr. Perceval was surprized to hear his honourable and learned friend (Sir S. Romilly) express a doubt if the publication in question could or could not be a libel. No person who fairly gave his mind to it, and there was no man who had a better understanding than his learned friend, could doubt that it was a libel. His right honourable friend had argued, that an honourable gentleman under the gallery had mistaken the meaning of a passage in the paper on which he had relied; that he had put a wrong interpretation upon it; and that this was a proof that the question was not ripe for discussion. He certainly agreed with his right honourable friend, that he should not have selected that passage as the strongest point in the paper now under consideration; but, at the same time, he submitted that even that passage was sufficient to prove the paper in question to be a libel. The paragraph certainly bore, that Mr. Yorke having selected the bill of rights as the ground-work for committing John Gale Jones to prison, did thereby turn it into a bill of wrongs, and that the house, in agreeing to the proposition, did wrong to those rights. He agreed however, that this passage should not be selected as one of the strongest in the publication. It was agreed on all hands, that the present was a subject of great importance. Some gentlemen opposite, however, were of opinion, that the discussion on the Walcheren inquiry was entitled to be previously gone through. He, in common with those gentlemen, agreed that it was of great importance if ministers had done wrong in the direction of the forces of the country, that their conduct should be inquired into. But the question was, if charging that house with the commission of gross injustice, and with a violation of the constitution, was not a point of still greater importance? He could not figure a question of greater moment, whether the house was or was not guilty of the crime thus imputed to it? He had been called on not to expose himself to what some gentlemen called a misconception, others a just conception of his conduct, and as if it was of any consequence whether a decision was come to this night or to-morrow; he was represented as wishing to avail himself of the chapter of accidents, and was even compared to a deserter from the

army of Sir John Moore, who effected his escape on the coming up of the enemy, just as he was about to be shot. When the honourable gentleman also represented him as having a halter about his neck, and that he calculated on the present motion to produce his rescue, he confessed himself at a loss to conceive what the honourable gentleman meant. He looked forward to the decision of the house on that inquiry with great anxiety certainly, but at the same time with great confidence. (*Hear, hear! from the opposition.*) He looked forward to it with confidence, that it would have the effect of doing away any injurious impression which had gone abroad; and he was satisfied that the more the matter was discussed, the more the injurious impression would be done away. He assured the house he did not look forward to delay, nor had he any apprehension of the result. The honourable gentleman said he (Mr. Perceval) forgot his own case. He did not; it was the honourable gentleman who forgot it. The case was originally brought forward in an imperfect state. He (Mr. Perceval) then unaffectedly said, that he did not understand what was meant by it. It was dismissed as unintelligible, was again brought forward, when he stated what he had to say, and immediately retired, as the honourable baronet had now done. It was said he had on a former day agreed to delay this question. He did so; but if gentlemen did not take the opportunity of reading the paper, he could not help it. No gentleman could say that he had not had an opportunity of reading that paper in the course of the morning, so as to enable him to determine that it was a libel. His honourable and learned friend had said, that the house ought to distinguish between manner and matter. He agreed in this; but he should shew that the publication was libellous in both respects. He did not deny what his right honourable friend so properly claimed for the honourable baronet, and for every person else, the legality of canvassing any act they might think proper. But did it follow, because gentlemen had the right of canvassing every question they chose in that house, the honourable baronet had a right to send it to his constituents, to challenge them to investigate the point, and in a manner to call on them to resist the decision which the house had come to? He conceived he could satisfy his honourable and learned friend that this was a libel. He begins with declaring,

"That the house of commons have passed a vote, which amounts to a declaration, that an order of theirs is to be of more weight than Magna Charta and the laws of the land, I think it my duty to have my sentiments thereon before my constituents, whose character, as free men, and even whose personal safety, in so great a degree, depend upon the decision of this question—a question of no less importance than this: whether our liberty be still to be secured by the laws of our forefathers, or be to lie at the absolute mercy of a part of our fellow-subjects, collected together by means which it is not necessary for me to describe." He could not say that there was here something offensive in the manner; but what he first complained of was, that the honourable baronet should appeal to his constituents as to what was done in that house. The honourable baronet then proceeds—"It is, therefore, now the time to resist the doctrine, upon which Mr. Jones has been sent to Newgate; or, it is high time to cease all pretensions to those liberties which were acquired by our forefathers, after so many struggles and so many sacrifices."—The statement begins by an express allegation that the commons have set themselves up against Magna Charta; that the privileges of the people depend on it; and that this is now the time to resist. He supposed it would be said, that by resist was meant to resist by argument. (*Hear, hear! from the opposition side.*) Then he should shew that no doubt was suffered to remain on this head. The letter proceeds—"If the constitution lives, and is applicable to its ends; namely, the happiness of the community, the perfect security of the life, liberty and property of each member and all the members of the society; then the affirmative of the proposition can never be admitted; then we must be free-men; for we need no better security, no more powerful protection for our rights and liberties, than the laws and constitution (*Hear, hear!*) we seek for, and we need seek for, *nothing new*—(*Hear, hear!*) we ask for no more than what our forefathers insisted upon as their own; we ask for no more than what they bequeathed unto us; we ask for no more than what they, in the testament which some of them had sealed, and which the rest of them were ready to seal with their blood, expressly declared to be "*the birth-right* of the people of England;" namely, "the laws of England." (*Hear, hear!*) "To these

laws we have a right to look with confidence, for security." (*Hear, hear!*) The right honourable gentleman said he was glad gentlemen were alive to this, for to the part immediately to follow he begged their attention. The letter went on, "To these laws the individual now imprisoned has, through me, applied for redress in vain. Those who have imprisoned him, have refused to listen to my voice, weakly expressing the strong principles of the law, the undeniable claims of this Englishman's birthright. Your voice may come with more force; (*Hear, hear!*) may command greater respect; and I am not without hope, that it may prove irresistible, if it proclaim to this house of commons, in the same tone as the tongues of our ancestors proclaimed to the kings of old, "Nolumus Leges Angliæ Mutari;" (*hear, hear!*) or in our own more clear and not less forcible language, "The laws of England shall not be changed." (*Hear, hear!*) The right honourable gentleman asked, if so far as he had already gone, this was the way of discussing what had been already decided? But there was more yet. —"The principle, fellow-citizens, for which we are now contending, is the same principle for which the people of England have contended from the earliest ages, and their glorious success in which contests are now upon record in the great charter of our rights and liberties, and in divers other subsequent statutes of scarcely less importance. It was this same great principle, which was again attacked by Charles the First, in the measure of ship money, when again, the people of England, and an uncorrupted house of commons, renewed the contest; a contest which ended in the imprisonment, the trial, the condemnation, and the execution of that ill-advised king. (*Hear, hear!*) The self same principle it was, that was so daringly violated by his son James the Second; (*hear, hear!*) for which violation he was compelled to flee from the just indignation of the people, who not only stript him of his crown, but who prevented that crown from descending to his family. (*Hear, hear!*) Volumes have been written by foreigners as well as by our countrymen in praise of that part of our law, which, in so admirable a manner, provides for our personal safety against any attacks of men in power. This has, indeed, been in all ages the pride of our country; and it is the maintenance of this principle which enabled us to escape that bondage, in which all the states and king-

doms in Europe were enthralled, by abandoning and yielding it up; and we may be assured, that if we now abandon it, the bright days of England's glory will set in the night of her disgrace." (*Hear, hear!*) The house would recollect that this case the house of commons had decided on; and the way the honourable baronet recommended for procuring redress was that resorted to in the times of Charles I. or James II.

The letter then goes on—"But, I would fain believe that such is not to be our fate. Our fore-fathers made stern grim-visaged Prerogative hide his head: they broke in pieces his sharp and massy sword; and shall we, their sons, be afraid to enter the lists with undefined Privilege, assuming the powers of prerogative?"—Could any man deny that this was not calling on the constituents of the honourable baronet to resist in the mode here pointed out, and that they were invited now to enter the lists of that house? Could any man hesitate, therefore, in declaring that in manner as well as in matter, the paper in question was offensive and libellous against the privileges of that house? The letter went on—"That a power such as this should exist in any country it is lamentable to be obliged to believe; but, that it should be suffered to exist, and that its existence should be openly and even boastfully avowed, in a country, whose chief glory has been its free constitution of government, is something too monstrous to be believed, if the proof were not before our eyes."—Was there any thing which could be written to Englishmen, which in its style and manner called on them more to resist? better calculated to bring that house into contempt, or which could have more the characteristic of a libel against its privileges? This being the case, the doubt of his learned friend must be now removed. If it still remained, an adjournment for a week could not remove it. (*Hear, hear!*) Then, as to the law of the case, there might be a breach of the privilege of the house without a libel, he was ready to admit. But where publications were directed against the proceedings of the house, calculated to bring it into contempt, that they were libels no man could deny. He proceeded to quote precedents as to the usage of parliament, in imprisoning for libels, from the time of Queen Elizabeth, both on its own members and on strangers. In a solemn proceeding in the year 1701, it was decided that to pretend that the house had not juris-

diction of imprisonment on others as well as its own members, was a high breach of their privileges; and that to publish libels reflecting on the house of commons or its members, was also a high breach of privilege. In the case of Crosby and Oliver, writs of habeas corpus were refused both in the common pleas and the exchequer, on the ground that the house had a right to commit for breach of privilege; and a similar authority was to be found in the King's Bench, in the time of Lord Kenyon, who then stated that when evil disposed persons attempted to overturn the country, they would begin by calumniating the courts of justice, and both houses of parliament. He thought that time was come. In comparing the present libel with that committed by Gale Jones, the latter must appear insignificant indeed; and should that house be more indulgent to a member of its own than to a stranger? In the one, they proceeded immediately; and in the other, should they adjourn from time to time; if they did so, they gave that honourable baronet a triumph, and they would shew that they deserved to be trampled on and trodden under. They would shew that they were afraid to assert their own dignity, as one who wished

"Ne moriatur mori."

He trusted the house would do its duty temperately and impartially.

Lord Folkestone contended, that the precedents referred to by the right honourable gentleman the chancellor of the exchequer, were either misunderstood or misrepresented by him. Indeed, the course he recommended that night for the consideration of the house, was both extraordinary and inconsistent. In an affectation of candour, he (Mr. Perceval) appealed to the grave, the serious, the solemn deliberation of that house. But how did his practice square with his professions? By endeavouring to obtain this sober and solemn determination in the most premature and precipitate manner. (*Hear, hear!*) An honourable gentleman, (Sir S. Romilly,) entitled to every deference for his deep constitutional knowledge, had declared that night, that he entertained many doubts upon the nature and tendency of the publication then under discussion. When such a character doubted, were the majority of that house prepared to assert that their minds were satisfied—that their conviction was decided? (*Hear, hear!*) The

right honourable gentleman (Mr. Perceval) had gone but shortly into the subject, but even in the short excursion that he took, he proceeded every step under the most mistaken views. It was contended by him, that because the house had committed Mr. Gale Jones, that therefore there could be no doubt of the right of the house of commons; and there being no doubt of the right, that therefore the publication of Sir Francis Burdett was a gross violation of its privileges. What said his learned friend near him (Mr. Croker)? He told the house that the case of Gale Jones had nothing to do with the present question, and should not be admitted into the contemplation which the house was bound to give that particular question. But he (Lord Folkestone) begged to say, that the question at present before them not only comprehended the propriety or impropriety of Sir Francis Burdett's conduct, but the truth or falsehood of his doctrine. (*Hear, hear!*) Upon those points he would ask, was the house conscientiously prepared to say that they were free from doubts? Were their minds so fully convinced by the arguments and precedents of the right honourable gentleman the chancellor of the exchequer? As to his precedents, he (Lord Folkestone) could easily illustrate their total misapplication to the inference which he wished to deduce. Indeed, the right honourable gentleman was so wholly ignorant of the precise facts of the case he stated with respect to Hall, that at first he contended that Hall was a member of parliament, and in a few sentences afterwards he contended that he was not. (*Hear, hear!*) There were other cases referred to by that right honourable gentleman which were rather extraordinary, drawn, as it were, from periods of our history, which he trusted even that right honourable gentleman would not propose for consideration. There was the case of the Kentish gentlemen, who, for the language of their petition, were sent to prison by the order of that house. Was there a man to be found in the present times who would recommend such a punishment for the expressions introduced into that petition? or rather, was it not such as, in those times, would be more a subject to be approved than reprobated? It was, however, referred to a committee of that house to make their report on. Upon the adoption of such a resolution, Lord Hartington moved that the rights and privileges of the people should be considered by the committee as well as the privileges of that

house. It was to be recollected, that the period when those events occurred was one of great political heat and public agitation. The consequence was, that in the committee to which these considerations were referred, great divisions and jarring sentiments prevailed. Such a state of things, therefore, led to a report from that committee, which could now be only considered as a mere compromise between the conflicting parties. But the history of the transaction proved, that, at the time when Lord Hartington mooted that point, the legality of that house to imprison for a breach of its privileges was considered in an extensive degree doubtful. Numerous able and well written tracts were published in support of the doctrine which pronounced such a power illegal, and had even, in that period, considerable effect in corroborating the assumption, that the exercise of that right was considered by many an usurpation. But the right honourable gentleman, not satisfied with his precedents from a more remote period of our history, has thought proper to allude, on the present occasion, to that assertion of Lord Kenyon, namely, that when factious men wished to subvert the government, their first effort was to calumniate the courts of justice, and to entrench upon the privileges of parliament. Really, (said Lord Folkestone,) above all men I did not expect to hear such an allusion, much less such an application, from that right honourable gentleman (Mr. Perceval). Does he, or can he believe, that because he conceives this house to have the power of restraining the communication of the popular opinion upon the conduct pursued within its walls, that he therefore can deprive the people of these kingdoms of the faculty of thinking or of recollecting? Does he believe, when he cites the violation of our privileges as a proof of disaffection and of treason, that the people of England have forgotten the transactions of the two last sessions of parliament? Can they forget the spectacle exhibited to their view, of two cabinet ministers charged, and I will say morally convicted, of a gross and heinous attack upon those privileges of this house—privileges for which, forsooth, one of them now affects to feel such sincere solicitude? Can the people of England forget, that though such violations were not denied, still that the conduct of the accused was not only not censured, but almost not questioned by a British house of commons? (*Loud cries of hear, hear!*) When

the country recollects such events, and when this house cannot forget them, what confidence, what attention can be paid to such application relative to its privileges, proceeding from that very man who was a few short months past arraigned before that very house as a culprit for their violation, and who, though rescued from punishment, has still no claim to acquittal? (*Hear, hear!*) It is idle to say that the people of this country have no very anxious feelings upon the present subject. I, for one, never can wish that their voice should be stifled. Therefore it is that I appeal to this house for that postponement of its decision, which will allow the fullest investigation of this most important question, and which must ultimately settle the legality or illegality of this power. There remains one observation of the right honourable gentleman (Mr. Perceval) upon which I wish to remark. He has, in his general condemnation of the paper published by my honourable friend, Sir Francis Burdett, laid no inconsiderable stress upon that sentence which he assumes tends to invite the people to a resistance of the decision of the house of commons. He cannot have read the paper fully when he ventures to draw such inference. Had he taken the context into his contemplation; had he reverted to preceding passages, he would have found that the term *resistance* was coupled with the word *legal*. It was conveyed in such a manner as must convince every impartial mind that such was the fair and candid interpretation of the passage. If therefore such a difference of opinion, as to the nature and to the interpretation of the publication, it is, with many others, a very strong reason with me to vote for the adjournment.

Mr. Adam observed, that in that house there was not an individual more sincerely anxious to uphold its constitutional and recognized privileges than he was. Actuated by a desire to support them, he then ventured to trespass upon its attention. When, therefore, a question was brought before it, complaining of a violation of these rights, he must esteem it as most consonant with the character of that house, to have upon such an occasion, its proceedings regulated by the principles observed in those places where justice was best administered. With such feelings, he had to impress upon the house, that, in all judicial proceedings, it was a main ingredient, not only that the court of jurisdiction should deliver its verdict, but

that, in such delivery, it should state satisfactory reasons for such verdict. It was upon that principle that he felt it his duty to request the house, not only to declare its decision upon the publication of the hon. baronet, but that it should also impress upon the people of the country the propriety of that decision. (*Hear!*) In order, therefore, to produce such impression, it was not alone necessary that the house should decide justly, but it was bound, in regard to the wishes of the country, to declare that decision in the most satisfactory and intelligible manner. How then could it be expected that such a consequence could be obtained from the precipitancy with which they were called upon to act that night? The house must be aware, that the accusation brought against the honourable baronet was one not recently agitated. It was now near thirty years since a member had been called upon to answer in that house for misconduct, entrenching upon its privileges. That was the case of Major Scott, in the year 1779. What course did the house of commons pursue upon that occasion? Did it hurry and almost compel members to the declaration of an opinion, without being able fully to investigate the merits of the case? The house made no such improper exaction. It allowed an adjournment for a week, to enable its members fully to understand that upon which they were called to decide. Though a professional man, not a little versed in professional habits, he (Mr. Adam) was ready to confess, that, upon the resolutions now submitted to them, he had not the opportunity of making up his mind. In the case of Major Scott, to which he alluded, the single act of publication constituted the criminality; yet time was allowed for full and mature consideration. How much more forcibly was the claim for postponement now pressed, when the publication complained of contained long, prolix, and disputed arguments, connected with references extracted from the laws of the land. The case of Alderman Oliver, in 1771, also received the most comprehensive discussion, when brought before that house. It was very probable, that his right honourable friend (Mr. Perceval), with the professional acquirements that he possessed, and surrounded as he was by so many others qualified to arrange for him the necessary information, was then prepared to go to a decision. But far different was his case, detained by his duties in that house until three o'clock that morning, it was

impossible that he could apply himself to that full investigation which such a grave and serious charge warranted. He had, however, even at that hour, endeavoured to acquire the necessary knowledge. He had referred to the precedent of Alderman Crosby, as in some degree analogous. But when the various arguments and references of the present publication were taken into view, he defied the most astute lawyer to encounter the discussion without the deepest attention. For what was he anxious? Only that, as the honourable baronet had quoted Lord Coke to support his interpretation, so that he (Mr. Adam) might have the opportunity of also citing Lord Coke to support his view of the privileges of parliament; that as the honourable baronet had brought forward the case of Ashby and White to corroborate his inferences, he (Mr. Adam) might be able to communicate his interpretation upon it. (*Hear, hear!*) As he had before stated, it was absolutely impossible for him then to make up his mind upon the question. From the moment it was first brought before the house, until the period when he rose, he was engaged by either public or professional duties. Until three o'clock that morning in the house of commons, and after the ordinary refreshment which nature required, being kept, to use rather a vulgar phrase, to harness all day, it was not too much to ask of those whose situation afforded them the means of being assisted with a variety of opinions, to allow others not thus provided, at least a short time for ulterior consideration. (*Hear, hear!*) If this request was denied him, he would be then reduced to the dilemma, either that he must surrender the privileges of that house, or agree in the condemnation of an individual without feeling a conviction of his guilt. In making these observations, he still wished not to be at all thought as entering into the question, whether the present publication was libellous or not? (*Loud cries of hear, hear! followed the conclusion of this speech.*)

The Attorney-general supported the arguments advanced by his right honourable friend (Mr. Perceval), and contended, that there could be no discussion now upon the right, the house having decided upon it unanimously in the case of Mr. Jones. That right being admitted, it was, in his opinion, absolutely impossible not to consider the publication as a gross violation of its privileges.

Mr. Bathurst expressed himself friendly to the proposi-

tion of adjournment, for two reasons: first, that the introduction of this question interrupted a great national inquiry into the causes of our military failures in the Scheldt. Secondly, as he was anxious, that in pronouncing upon what he considered a violation of the privileges of that house, such time should be afforded for consideration, as would lead to an unanimous verdict. He, however, wished that, in entering the proposition of adjournment upon the journals, that it should be attributed to some reason, that should guard against any improper interpretation of the feelings of that house.—(*Cries of move, move!*)

A member challenged the right honourable gentleman opposite to deny that the resolutions last night moved against Sir Francis Burdett were not of treasury manufacture; (*hear, hear!*) he would go farther and challenge the right honourable the Chancellor of the Exchequer, to deny if a meeting was not convened at his house, to consider, discuss, and decide upon these resolutions, which, in the person of an independent county member, were to be offered to the consideration of that house. (*Loud cries of move, move!*)

Mr. Lethbridge, in speaking to order, asserted, that his resolutions originated with himself.

Mr. R. Dundas said, that much as he objected to the adjournment, he objected more to the amendment. But, as to the adjournment, it appeared very extraordinary that while scarcely any doubt was expressed, that the paper under discussion involved a breach of the privileges of the house, so many gentlemen desired time for consideration. As to the assertion, that the resolutions before the house were prepared at the treasury, he could declare for himself that he knew nothing about them until they were read in the house; nor did he believe the assertion; and he was still more warranted in his disbelief from the declaration of the honourable member himself, by whom these resolutions were brought forward.

Mr. Wilberforce declared, that no man was more firmly convinced than himself that the privileges of that house ought to be maintained; for he thought these privileges essential to the benefit of the people. But he did not think these privileges were to be blown away with a breath; that they could not withstand an attack without adopting sudden and precipitate means of defence. He therefore saw no danger in acceding to the proposition of

delay upon this occasion, in order that the house should have the fullest opportunity for deliberation. This was, in fact, a case in which that opportunity ought to be afforded, because it was desirable that those who completely and substantially agreed upon a principle, should be able rightly to apply that principle, and satisfactorily to state the grounds of that agreement. Such a statement was due to the case, and to the minds of the people. The people ought to be satisfied that the privileges of that house were only enjoyed and exercised for their advantage. Upon such a question, the people ought peculiarly to be consulted; for it was only in connexion with the people, the constitution of that house could be really strong. For this reason, it became the house to proceed with the utmost temperance, seriousness and gravity, and therefore he would vote for the adjournment. To that vote, indeed, he was the more determined, in consequence of the declaration of several members of high character, that they felt themselves unable, from the pressure of time, to make up their minds upon the subject. When a gentleman, for instance, so distinguished for legal knowledge as the learned gentleman on the floor (Mr. Adam), and from whom the house had heard to-night such sound constitutional doctrine, expressed his inability to determine upon the merits of the paper under discussion, not having had time to consider it, it was surely but proper to grant him that time: but that grant was not only proper with regard to him, but to others in similar circumstances, who concurred in opinion as to the privileges of the house, while they required time to examine whether the paper under consideration involved a breach of these privileges, or was a proper case for the exercise of the power which the house possessed for the preservation of these privileges. He therefore deprecated any hasty proceeding. On this occasion he would, in favour of the principle of his recommendation, quote the authority of his right honourable friend now no more, (Mr. Pitt). It was uniformly the sentiment of that right honourable gentleman, that, on all constitutional questions, he wished to take such grounds as should serve to separate the really well-intentioned from those who appeared to be of a contrary character. It was really much to be desired, that the house should come to a decision of this case with a cool mind, which was more likely to prevail, by allowing

the intervention of a few days. He wished the house to consider the publication rather as matter of history, and to determine upon it. There were many who looked to it with, no doubt, an honest warmth, but that was a disposition ill suited to judgment. Let the house consider how their conduct in this transaction should appear in the page of history, even to themselves, in a year hence, and so considering, he was persuaded they would cautiously avoid pronouncing any sentence under the warmth of the moment, or proceeding with any precipitancy. If such a proceeding were taken in opposition to the sentiments of those gentlemen of weight and consideration, who called for the adjournment, he felt that the house would be sacrificing the substance to the appearance. While he fully agreed with the right honourable gentleman who spoke last, as to the necessity of upholding the privileges of the house, he must still support the adjournment, as the best means of consulting the character of these privileges. Indeed, he could not conceive how any thing could be gained by the advocates of the resolutions from a perseverance in resisting the adjournment. For even, though it were negatived, it would be impossible for the house, at that late hour of the night, to go into the discussion of the other questions, which must necessarily occupy a considerable time. For these reasons he recommended it to his right honourable friends on the treasury bench to proceed in the case with peculiar temperance and candour, and above all to avoid any thing that should expose the house to the charge of being actuated rather by passion than by judgment. (*A loud cry of hear!*)

The Master of the Rolls was of opinion, that whatever decision the house might come to upon the principle of the motion immediately under consideration, it was obviously right that the other question should not even appear to be determined prematurely. Whatever opinion the house might express upon this question, it was extremely desirable that it should go forth accompanied by the fullest grounds of justification. Nothing equivocal or hasty should appear in such a transaction. Let it be recollected that the judgment of the house was liable to be impeached, and he should be sorry to witness any proceeding that should seem to sustain such impeachment. Therefore he deprecated precipitancy, and more particularly as so many respectable persons were heard to state that they

were unfeignedly unprepared to pronounce any decision upon the subject. He declared, that had he been aware last night that the debate upon the business was likely to extend to such a length, he would not have voted for the short adjournment. There was no reason to doubt that several gentlemen might have been unable from their various avocations, as yet, to examine this paper, and to decide upon its character. The honourable gentleman who spoke last, had put the question under discussion upon the fairest grounds. Gentlemen might be fully agreed in their opinion as to the privileges of that house, and yet unable to determine whether this paper involved a breach of those privileges. Time for consideration ought therefore to be granted. He had read the paper this day, and he was of opinion, that it was a clear libel upon that house. Many who required time for consideration, would, he had no doubt, entertain the same opinion, if that opportunity were afforded. After this motion should be disposed of, it would be remembered that another question would arise for discussion, into which the house could not at that hour be in a state to enter. He therefore, without wishing to influence any other person, would vote for the adjournment. By that course, it appeared to him that the end in view would be attained with more satisfaction to the house and the public. Whatever the house felt in this case, gentlemen must be aware that they were acting as judges in their own cause. (*Hear, hear! on the opposition benches.*) If he were to frame a constitution anew, he was satisfied that he should feel it necessary to invest the house with the privileges it now possessed. Of course he was an advocate for those privileges. But still it must be borne in mind, that the house, in asserting such privileges, were judges in their own cause, and therefore he always thought that, although those privileges were never to be formally relinquished, they were yet to be very discreetly exercised. (*Hear, hear! on the opposition benches.*) This case, however, was forced upon the house. He would have been glad not to have heard any thing about it. But it was now impossible to give it the go-by. He was sorry, because he never knew of any good to arise out of such contests that could counterbalance the disadvantages. But the house was brought to the alternative, either that it must give up its privileges, and perhaps incur the imputation of timidity, or assert those privileges with man-

liness. He would have been happy, he repeated, if means could be devised of getting out of such a contest. But that was now impracticable, and, in order to bring to the decision as much weight and authority as possible, he would support the proposition for delay for the purpose of deliberation, required by those to whom so much weight and authority belonged.

Mr. Perceval said, he would confess fairly, that, after what he had heard, particularly from his learned friend who had just sat down, it would appear obstinate and pertinacious in him to press an opinion, to which, however, he still unfortunately adhered, and refuse to accede to the repeated calls which were made for a further adjournment of this question. (*Hear, hear, hear!*) At the same time, he begged leave distinctly to state, that upon examining his mind, the last motive which could induce him to yield was any thing like timidity or fear. He believed, indeed, that that was the last ground upon which the house would yield in such a case. The house, he was persuaded, must be alive to the necessity which called for its interposition on this occasion, and that if it declined to assert its privileges, the most serious consequences were too likely to follow. In agreeing to adjournment, he protested against the ground laid for that proceeding in the amendment, nor could his objection be over-ruled by the assertion that the other question alluded to in that amendment was of more importance than that under discussion, and that therefore it was entitled to the precedency. He wished it to be understood, that his only reason for assenting to the adjournment was, that delay was required. One word as to the cheers of the gentlemen on the other side. Those gentlemen professed a wish of unanimity, and yet, when that disposition appeared, they exulted in it as a species of triumph. With this short remark he would leave those gentlemen to enjoy their triumph.

Mr. Ponsonby asserted, that the right honourable gentleman was not justified in the language which he had thought proper to apply to his side of the house. It would be remembered, that he had yesterday distinctly maintained that time for deliberation ought to be afforded upon the very grounds precisely which the learned gentleman on the other side had urged in the course of this night's discussion. It did not therefore become the right honourable gentlemen to impugn the conduct of the gen-

tlemen on his side of the house. "But as to the right honourable gentleman's allusion to our triumph," said Mr. Ponsonby, "he really rates himself too high and us too low, if he supposes that there is any thing in his conduct or character which should make us feel elated by any triumph over him."

The amendment was withdrawn.

Mr. Blachford deprecated the use of invective, and he was supported by the honourable D. Browne. Upon the question being put for adjourning the debate to the next day se'nnight some noes were heard, but the Speaker declared that the ayes had it. Mr. Lethbridge declared the contrary, and a division was called for accordingly. Before, however, the whole of the strangers had withdrawn from the gallery, Mr. Lethbridge was induced to acquiesce.—Adjourned.

HOUSE OF LORDS.

THURSDAY, MARCH 29.

CORRESPONDENCE RESPECTING SPAIN.

Lord Grenville called the attention of the house to the correspondence which had been delivered respecting Spain, in laying which before the house in the state in which it was, his majesty's ministers had displayed another signal instance of incapacity. It was at all times the duty of ministers to take care, in publishing diplomatic correspondence, that the character of the king's ministers abroad should not be compromised; it was more particularly their duty to take care that the safety and lives of their agents were not compromised. He grieved to say, that there was matter in the correspondence he held in his hand which ought not to have been made public. He declined entering into details in the absence of the noble lord (the Marquis Wellesley) to whose department this subject particularly, though not exclusively, belonged; but he felt it his duty to give notice of a motion for the next day, the precise nature of which he could not now state. His lordship moved that the lords be summoned for the next day, and wished to know if any more of the correspondence remained to be delivered?

The Earl of Liverpool said, that a part of the correspondence had not yet been delivered.

Lord Grenville then suggested that the remainder should not be delivered, nor any further copies of that which had been already partly delivered, until after the discussion of the next day.

The Earl of Liverpool agreed, that there should be an understanding to this effect.—Adjourned.

HOUSE OF COMMONS,

THURSDAY, MARCH 29.

THE HONOURABLE WARWICK LAKE.

Sir Francis Burdett gave notice, that he would, on Tuesday next, submit to the house a motion respecting the honourable Warwick Lake.

PRIVATELY STEALING BILLS.

Sir Samuel Romilly moved, that on Wednesday next, the house go into a committee on the privately stealing in shops bill—the privately stealing in dwelling houses bill, and the privately stealing in navigable rivers and canals bill.

SCHELDT PAPERS.

Lord Castlereagh rose to move for a paper, to the production of which he understood there would be no objection—it was a copy of a letter from General Sir William Erskine to General Brownrigg; from this letter he read an extract relative to the nature of the information received by Sir William Erskine, and, according to which, that officer had made the report he had; the noble lord then moved, that there be laid before this house a copy of the letter from Sir William Erskine to the quarter-master-general, containing his report of the 10th of August.

Mr. Calcraft commented upon the apparent inconsistency between the return made of the enemy's force in the vicinity of Antwerp, in the statement to the general officers at Batz, and that part of the evidence of General Brownrigg, that went to a considerable reduction of those numbers.

Mr. Calcraft, in explanation, denied that he meant the slightest personal reflection upon General Brownrigg, whom he knew to be a gentleman of great worth. He had only exercised the right of a member of parliament,

in freely commenting upon any part of the evidence before them.

The motion was then agreed to.

ADJOURNED DEBATE UPON THE SCHELDT EXPEDITION.

General Tarleton said, that it had been his intention upon a former night to have spoken immediately after an honourable officer (General Craufurd), but he was now consoled in not having done so, by no longer delaying the house at that late hour; he was now glad he had not prevented them from going to bed as early as they did, to dream of "hair breadth 'scapes in the imminent deadly breach," of the massacres, and all the attendant evils of war, that must have rested on their memory after hearing the speech of the gallant general, and upon which, after they had gone to sleep, their imaginations must have been so busy in their dreams—the gallant officer began upon a number of points, from which it was impossible to dissent. He had spoken of the fallibility of man—man was no doubt fallible, and ministers were as fallible as any of the species, never did any body of men prove themselves more fallible than the present ministers. The honourable officer had condemned any effort at that time by way of diversion in favour of Austria. He agreed with him. He had also said that that contest was a contest between Austria and France; if so, was it difficult to foresee what must have been the result of such a contest? The gallant officer had then taken a view of the nature and result of a diversion in Italy in 1808. If ministers really knew what was at that time passing between Austria and France, as they have since pretended to have known, that was certainly an opportunity that might have admitted of a favourable diversion in the quarter of Italy and Sicily. Last year, however, the honourable gentleman contended it was too late to attempt any such diversion. *No!* with him it was the Scheldt, and nothing but the Scheldt—he had spoken of invasion, and had admitted his apprehensions of it. If the ministers had reason to believe at that time, that it was the intention of the enemy to take the earliest opportunity of invasion, why, he asked, did he send the flower of the army of England to waste away in the most unhappy marsh in the known habitable globe? He for his part was firmly convinced, that this country had just reasons to apprehend in-

vasion by the greatest warrior of these or any other times. It was worthy of observation, how systematically that great man had persevered in the prosecution of this his favourite object. He came down himself to Boulogne, and the formidable interposition of Austria was necessary to draw him from the prosecution of his favourite object—the pursuit of that object was the ruling passion of that extraordinary man; and it behoved the house to remember, that though there were three punic wars, the third was finally successful. The gallant officer had said, that the expedition in question had operated as a diversion. He denied that it had ever operated as such. It had been commenced upon the eve of a negotiation between France and Austria, and it was now notorious what was the general result of a negotiation of peace between the ruler of France, and any other power. Look to the peace that followed the battle of Marengo; look to the peace of Niemen. With respect to the opinion given by the general officers, great as was his respect for those gentlemen, he really thought that opinion had been given with extreme incaution. A plan had been projected without providing for any of those casualties that might and ought to have been foreseen. They never heard of a comedy or farce, that had not in it some attempt at incident; plot and incident were the predominant features of a good comedy, but the plan of this expedition was without plot, and utterly destitute of interest. But these general officers did not appear to have been fairly dealt with; they were not furnished with the whole state of the case, and of course their judgments could be but partial; this was wrong, even in matters of private life, where any person was so unfortunate as to find himself involved in a duel; in committing his cause, with his honour, to a friend, he gave him the whole case, and frankly furnished him with a full statement of all the particulars, however they made against him. But the noble lord (Castlereagh) did not appear to have paid much deference to the opinions of those officers. It was not much to be wondered at, when that opinion had been hazarded casually by men who had been furnished with no *data*. The gallant officer (General Craufurd) had been rather severe upon a gallant friend of his, Sir William Erskine, an officer who, while he was giving his evidence at the bar, gave it in such a manner, as if the genius and spirit of the father had been in that moment suddenly transmitted to the son. The gal-

lant officer opposite had spoken of the easy reduction of Lillo, in 1746. Lillo was carried then after four days siege, by open trenches; but it was at that time attacked by a commanding army; but had it been now attacked, succours might easily have been poured in by the enemy. The citadel of Antwerp had fallen, but it was after it had been regularly attacked. The gallant general then adverted to that part of the evidence of General Brownrigg, in which he speaks of the passage of the English army from the shores of England to Santvliet, and their thence proceeding from Santvliet to Antwerp, part of the town having been got possession of. In this part of the plan, the gallant general does not say how that part of the town was to be got possession of. It stated further, that on the 17th they were to retreat; how was that retreat to be secured? This was the visionary scheme that buoyed up his majesty's ministers in their hopes. This was their *veni, vidi, vici* scheme, upon which they sent forth their impracticable expedition against the enemy's fleet in the Scheldt. (*Hear!*)

The English army arrived off Walcheren on the 29th of July. The first parallel, the very first parallel, was not thrown up till the 7th of August, nine days after the landing, though the distance of Flushing from the place of landing did not amount to 10 miles; and the distance of Santvliet to Antwerp was double that, amounting to about 19 miles. In 19 days the army were in possession of Flushing, and this with an army of 40,000 men, and a naval co-operative force of 35,000 sailors; only then compare what this mighty armament did, with what was intended to be done. With regard to the capture of Walcheren, nothing was of such importance as time, and yet never had a service been conducted more clumsily or slowly than that of the capture of that island; the garrison of Flushing had at first amounted to 3500 men; if on the moment of our landing we had advanced immediately, even in the face of one column of 6000 men, we might have had to fight with the garrison outside the walls, and the consequence of that action might have been, that our troops in the pursuit of the enemy, whom there could be little doubt they would have conquered, might have entered after them into the town before they could have closed their gates: or, even that body of our army might, by their dispatch, have prevented the power of inun-

dating the adjacent country. The gallant officer then proceeded to comment upon the evidence of Generals Brownrigg, Macleod, and Sontag. General Brownrigg had been at Antwerp 16 years back. He remembered having seen the ditch, and he did not allow that it could be filled with water; he knew nothing of what military men would not in general have overlooked, the height of the rampart, and the length of the ditch; but he thought it might be easily bombarded. It was, however, worthy of remark, that if reinforcements had been thrown in so easily into Flushing, they might more easily have been supplied to Antwerp. As for the evidence of General Macleod, he had admitted that he had never been at Antwerp; he, however, thought it might be bombarded. He could have reminded that officer of the inefficacy of bombardment in the case of York Town, held by Lord Cornwallis against the French; the French threw 5500 shells into the town without making any impression upon it, and it afterwards surrendered on account of the deficiency of outworks. It appeared also in evidence, that it would take from 30 to 40,000 men to invest Antwerp. General Sontag was then brought forward to prove that every thing must fall before a vigorous attack. Why it must be acknowledged that a *vigorous attack* was a most comprehensive term; it included every thing that ought to have been done, and was not—escalade, coup de main, &c. So that this evidence amounted to little more than the affirmation of a truism, assented to by both sides, but proving nothing upon either. Again, Colonel Morsheim asserted in his evidence, that the expedition operated as a formidable diversion in favour of Austria; but when asked to explain how it could have operated as such—when asked as to the dates of the different events of the expedition and those of the campaign between Austria and France, he was totally ignorant respecting them. He ridiculed the manner in which the noble lord had cited former failures to justify his own; as if the failures of Rochfort, of the Dardanelles, of Buenos Ayres, could justify the unexampled disgraces of the Walcheren expedition. (*Hear, hear!*) The noble lord had tried the winds, and he had recourse to the waves; but he must travel farther than winds or waves could transport him, before he could find a parallel for his unparalleled expedition. (*Hear!*) The honourable gentleman next adverted to the article of

expense—the expense had been rated at 800,000*l.* that man must be blind and dull, who could give the least credit to so inaccurate a statement. Here the gallant general recapitulated the heads of extraordinary expenditure incurred by the expedition, and contended that the sum total was nearer three millions than 800,000*l.* The additional transports—75 transports for conveying the ordnance stores to Walcheren, and the ordnance, which treated for every thing in the most expensive way, found its own transports—(*No, no! from the ministers*)—they did so formerly, however, and if the practice was now discontinued, he was glad of it—if he was wrong he gave way—he would be the last man to impose upon the house any thing that was the shade of what was not the truth. Another item of expense was that of ships of war placed in commission; it was notorious that a number of those ships had been put into commission. Another cause of expense was the making ships of war fit for the conveyance of cavalry, taking out their lower guns, &c.; the hospital ships, the provisions for the commissariat department, the ordnance stores, the medical department, were items which must have been respectively productive of great additional expense. Another item was that of secret service money. Though this was a sort of service that required great precision, yet it appeared that in many instances there were no dates in the different estimates of the application of this money. Another great source of expense was the loss of men by disease; of those the numbers amounted to not less than 7000 men. The expense attending the sickness and death of each man might be computed at not less than 40*l.* Then there was to be added to this the expense of recruiting for the different regiments to supply their place. Another item, and a most ridiculous one, was, that of the bricks and other materials for building. The flotilla was another item, and no inconsiderable addition to the rest. In fact, to calculate it at three millions was not to overrate the whole additional expenses. And this sum of money, with 7000 men, was the price of our unavailing efforts in carrying into effect an impracticable expedition. He would not now go into detail upon the medical department. He had offered, as summarily as he possibly could do, his frank opinions upon that expedition. In the whole course of the vacillating designs, and the impotent execution of the late and present ministers, this expedition

was the most characteric feature of both. It had upon all accounts the best pretensions to occupy the "bad eminence" of their disgrace. It proved them equally negligent and inefficient. Their ignorance had hurried thousands of their countrymen to an untimely grave; and after they had seen the ruinous consequences of their own folly, they disdained that even experience should make them wise. They were not more culpable in sending out that expedition, than they were in retaining an idle conquest, at the expense of the best blood, and character, and treasure of the nation.

General Craufurd explained, that he had not said that the military officers were not in possession of the information on the subject, which government enjoyed at the time of giving their opinions. He only stated, that government had subsequently received information which determined them to a measure which they had previously inclined to, but one upon which their minds were not fully made up.

General Tarleton and General Craufurd mutually explained.

Mr. Rose did not mean to follow the honourable general through his military statements. He could not but remark, however, that the honourable general might have spared himself the whole of that part of his speech, which went to condemn the conduct of the military operations, if he had reflected that the resolutions which he meant to support contained one expressing entire approbation of the naval and military commanders. The honourable general had expressed unqualified censure of the policy of the expedition, and asserted, that a diversion should have been made in favour of Germany in some other quarter. He was not prepared to argue the military part of the question with the honourable general, but must contend, that the expedition had actually proved an important diversion in favour of Austria, and called off from the Danube a considerable force, which would otherwise have been sent to reinforce the French army in that quarter. General Gratien, with 6 or 7,000 men, was drawn towards the Rhine. The garrisons of Stettin, Custrin, and Glogau, had been ordered to move in the same direction, whither also the Westphalian army was directed. By the expedition, therefore, a force, that would be available in support of the enemy on the Danube, had been compelled to

move in an opposite direction; and this he should contend was a most seasonable and important diversion. It was not just to make it a subject of accusation against this government that it had directed the force employed in the expedition to an object purely British. He would admit, that it would be much better if we could combine the promotion of the interests of our allies with our own objects: but if it had been possible to retain it, he should contend that the acquisition of Flushing alone would have been a sufficient equivalent for the expenses of the expedition. This was an assertion which he did not presume to make on his own opinion: it was founded on the authority of one of the greatest commanders this or any other country had ever produced, the late Lord Nelson, with whom he had had the happiness to live in habits of the closest intimacy. At the time when it was an object with the country to destroy the gun-boats at Boulogne, and Lord Nelson was appointed to that service, he declared himself, with the gallant spirit which every occasion proved him to possess, ready to undertake it; but did not hesitate to say, that there were other objects to which he would have directed his force more willingly. In his correspondence in 1801 with Lord St. Vincent, then at the head of the admiralty, he considered the destruction of the armament along the Dutch coast as of the highest importance, but expressed himself unwilling to send any vessels on such a service, from the dangers of the coast, until he had received the full sanction and consideration of the admiralty. He peculiarly recommended it to Lord St. Vincent to consider of the seizure of the ships at Helvoet and Flushing, which, he thought, might have been accomplished without any great difficulty, or any thing more than the occupation of 5,000 British troops for seven or eight days. Lord Nelson did not overlook the horrors with which war was attended, but he knew the service was an important one, likely to produce great benefits to the country; and it is clear that he turned his mind fully to the object. The mention of Lord Nelson naturally brought him to that of another gallant officer, of whose ability, spirit, and exertion Lord Nelson had formed the highest opinion: he meant Commodore Owen. That most intelligent officer gave it as his decided opinion, that the capture of Flushing must be of the highest importance. From the improvement of its basin, it was capable

of holding twenty ships of the line fully equipped for sea. To watch such a force, a fleet of adequate strength must be kept constantly to the eastward. On our eastern coast there were but two stations for ships of the line, Yarmouth and the Downs, both remarkably exposed, and dangerous in almost every wind that blew. Our fleets to the westward had the noble harbours of Portsmouth and Plymouth, which were secure in almost every wind. But, independently of the waste of lives, and other dreadful occurrences incident to a fleet lying exposed like the eastern squadron, the wear and tear of the ships, the perpetual damages, and perpetual repairs, would soon amount to more than the sums which might be expended on the possession of Flushing. By the testimony of another gallant officer, the seizure of Flushing was highly desireable; it was the key of the Scheldt; no ships of war could escape while we chose to close them up. It was, said Mr. Rose, an object of more value to seize Flushing, than to destroy the entire fleet at Antwerp. Flushing could shelter in its basin 20 sail of the line: it was difficult to say of sheltering how many more it might be made capable; but this was certain, that if you destroyed that basin, (and the most effectual destruction of it for the uses of the enemy was its seizure by us,) a service of more value was effected than the destruction of any number of French ships in the river. (*A laugh.*) He did not mean to undervalue the service that might be done in the actual destruction of those ships; but even if they were destroyed, new ships might be built in the same place; the forests were not destroyed; and until that was done, a perpetual succession of armaments might issue from those forests. It was equally natural for ministers to resolve to keep Flushing after its seizure; for in that resolution they were equally supported by authority of the first order. The great Lord Nelson, to whom he had so often alluded, was fully of opinion that it should be taken, and, when taken, should be kept. Sir R. Strachan, in his letter of the 13th September (and when he mentioned that officer's name, he knew it was that of a man whose knowledge in his profession, whose skill, judgment, and distinguished bravery, could not be doubted)—(*Hear, hear! from the opposition*)—that eminent officer, in his correspondence, expresses his wish to enter into a detail of the means of retaining a station, which he considers as of the utmost import-

hnce to keep. He proceeds to say, that every effort may be well expended on the preservation of such a point; that though the troops suffered by the climate, their numbers should be made up by drafts from the regiments at home; and that Flushing might even be made a salient point for further operations on the continent. But the feeling that pressed on his mind was, that the harbour could contain twenty sail of the line ready to start, and commence operations on the most exposed and vulnerable quarter of this country. Captain Cockburn, in his letter of the 29th September, adopts almost the same ideas. In speaking of Flushing, professing to decline all military views, and considering it merely in a naval light, he asserts, that a force in Flushing could lock up the Scheldt fleet so completely, that not a ship of them could steal to sea. It was true that at the close of his opinion he advised that they should be let out, that the British fleet might have a fair opportunity of meeting with and capturing them; but this, though consonant to the habits of a brave British seaman, was not suitable to the calmer views of a British cabinet, and left an improper hazard. Next, as to the intention of blocking up the river, this, ridiculed as it might have been, was sanctioned by high advice. Sir R. Strachan, in his letter of the 14th of November, speaks of it as perfectly feasible: he declares it as his opinion, that the mouth of the Scheldt may be blocked up and stopped; that he had considered the idea seriously, and that his mind was fully bent on the material advantages to be derived from that operation. Here, said Mr. Rose, ministers must have felt themselves justified in placing full reliance, and conscious that they were doing their duty. But it was still echoed in their ears that there had been errors and misconceptions: what was this, but that ministers were not infallible? But errors might be found charged on some other great names—some even of those who had now survived the sneers or suspicion of their contemporaries, and were handed down to posterity as models of foresight, decision, and intelligence. He did not mean to throw a shade on the enshrined virtue of those distinguished men: but it was impossible to look into their history without finding that they had, in their zeal for England and England's glory, attempted projects which they were unable to accomplish. He looked to the celebrated attack on Toulon, by an army under Prince Eugene, and

a fleet under the command of a great British admiral. That attempt, concerted with wisdom, and prosecuted with bravery, proved abortive. An allusion had been made to the attack on Rochefort, and the force employed there stated as holding no comparison in point of numbers to that employed in Walcheren. But draw the comparison of those separate forces from their proportion to the whole force of the kingdom, as it stood at the periods of those two expeditions, and they would be found close upon an equality. The Rochefort expedition was undertaken with all advantages in its favour. Accurate information had been obtained; the expedition itself had originated in the memorial of a most able officer; and yet the whole service done was the capture of the little Isle of Aix. Lord Howe, in the Magnanime, with a pilot on board, better acquainted than any man in England with the French coast, was run aground within two miles of the island. On the return of the expedition the public expressed no displeasure, until a clamour was gradually excited. Sir J. Mordaunt, the commanding officer of the expedition, was brought to a court-martial. Much ridicule had been thrown on the idea of taking Antwerp by a coup-de-main; but without attempting to set himself up as a judge of military matters, he had strong authorities for his belief of what might be done by a coup-de-main. (He then read some extracts from a military work, in which General Ligonier's opinion was given on the nature and uses of the attack by coup-de-main, and a narrative of the capture of Bergen-op-Zoom by General Lawendahl, by a sudden attack.) It was, said he, by a coup-de-main, that this fortress, then the strongest in the world, was taken. Ismael, with a large army within its walls, was taken by the same rapid and bold assault. But to revert to the expeditions of which he had been previously speaking. Lord Anson, when first lord of the admiralty, sailed with an army on board, commanded by the great Duke of Marlborough, on an expedition to the coasts of the Bay of Biscay. That expedition returned, *re infectâ*; the duke went to command in Germany; and General Bligh, at the head of the forces, landed to destroy Cherbourgh. He could there do nothing more than burn a few merchant ships, destroy a basin, and carry off a few brass guns. He marched a short distance up the country, and was attacked; his return to the shore was im-

peded, and on the embarkation at St. Cas, his rear-guard were taken prisoners or slain. Thus ended that expedition. He (Mr. Rose) now turned to another instance, in which nothing but accident could have prevented a total failure. It was on the expedition under General Barrington against the French West India islands. After a two months' resistance Guadaloupe was taken; but the general, in his dispatches, acknowledged himself deeply indebted to fortune that it was not lost to the country, as Count Beauharnois—the father (said Mr. Rose) of, I believe, the Vice-king of Italy *(a laugh)* appeared off the island at the moment of its capture with 2,600 men, whose arrival, a few hours earlier, would have foiled the whole expedition. After enumerating some additional cases of unavoidable failure, Mr. Rose answered other points which had been made in the course of the debate. It had been asserted that the expense of this present expedition must have been understated at 800,000*l.* The calculation of an honourable General (Tarleton) ingeniously swelled it up to three millions, but the idea was absurd. The estimates were all before the house, and it was idle to suppose public officers capable of putting so low and unartificial a trick on the common sense of the house; 246,000*l.* had been charged for ordnance transports. This was the charge not of the ordnance, but of the transport board, with whom those matters lay, and whose peculiar province and duty it was to collect all transport services, which were formerly separate, into one system and direction. He still felt the most perfect conviction that the retention of Flushing was a wise measure; and when the country had given itself time to consider its value, and calmly estimate the dangers which menaced it from that quarter of the enemy's force, he was convinced that their judgment would be altogether in favour of the wisdom which planned the expedition, and the policy by which its great objects were endeavoured to be retained.

Lord Pollington said, he should not venture to deliver his opinion that night, when he was aware the time of the house might be so much better engaged, did he not feel it to be his duty, on a question of such importance, not to give a silent vote. The question was, whether ministers in the expedition they had undertaken, had made a wise and judicious use of the means entrusted to their care?

After a result which had so little satisfied the expectations of the nation, an inquiry seemed generally to be required, and that inquiry had taken place in that house, where alone it could satisfactorily proceed. After an attentive perusal of every part of the case, it did not seem to him that the evidence was calculated to excuse, but, on the contrary, that it went wholly to condemn the ministers, by whom the expedition had been undertaken. The invasion of Holland in the year 1799 should have shewn us what chance we had of success in adventuring on similar enterprizes in future. Even after the expedition was ready, ministers should have looked to the state of the country they were about to attack, before they sacrificed our army. They should also have looked to what the shoulders of the people of this country would bear, before they added sixpence to the expenses which already pressed on them so severely. It was alledged that we might have taken Antwerp by a coup-de-main. He agreed we might have got possession of the town in this manner, but he contended that ministers could never have expected, if at all informed on the subject, to possess themselves of the citadel, or of the shipping, without a regular siege. On whom then, he asked, did the blame lie? On ministers. Nothing could have been expected but what had happened—disgrace. But this was not all. Ministers were responsible for the lives of the soldiers who had been left there to perish by the contagion of the climate. Not only were ministers without information as to the nature of the diseases incidental to that inhospitable clime, but it appeared from the evidence on the table, that they had not even taken the trouble to apply for information on that important head; it appearing in evidence, that the surgeon-general was not consulted till after the expedition sailed.

Lord George Grenville said, after the long and able discussion which had been had on the policy of the plan now under consideration, he should think he trespassed on the time of the house, had he the vanity to think he could throw any new light on the subject. In a question of so much importance, implying or not implying crime against the ministers, he assured the house he rose with great diffidence. He was not in the house on the first night of the present discussion, to observe how fondly the noble lord (Castlereagh) clung round the instance of the

expedition to Rochefort, as being a precedent entirely analagous to the present case. The noble lord, however, would pardon him for not being able to discover either in the geographical description, or in the result, any of those striking features of similitude which seemed so forcibly to have occurred to his lordship. He begged leave to read an extract from a narrative published on the occasion under the sanction of Earl Chatham, (then Mr. Pitt) secretary for foreign affairs at that period. From that narrative it appeared, that the original design of the expedition had been suggested to the commander-in-chief by a Captain Clarke, of the engineers; the commander-in-chief approved of the plan, and recommended it to the secretary of state for adoption. It therefore was undertaken, after previous inquiry, at a time when our resources were flourishing, and the French were reduced almost to the last stake; its failure, too, did not seem to call for parliamentary inquiry against the ministers, but the commander, Sir John Mordaunt, was tried by a court-martial, and dismissed the service. Here, however, the case was very different. The expedition was undertaken without investigation, or, so far as the opinions of the general officers were taken on the subject, they were against the attempt. Here a parliamentary inquiry had been judged necessary; the army here employed was almost the last remaining army of the country; the period was that in which the strictest regard for economy had become indispensably necessary, and in which the utmost care to prevent a single shilling of unnecessary expenditure, was the incumbent duty of the guardians of the public purse. Such were the circumstances, and such was the period when the expedition to the Scheldt was undertaken. As a diversion in favour of Austria, it could have no effect. Previous to its sailing, the last blow had been struck against her, and she had sunk at the mercy of France. If he could point out any one part of this expedition more desperate than another, it was the retention of Walcheren, after success was seen to be impracticable, by which step we had become the laughing-stock and jest of all Europe, particularly of our enemies. The noble lord spoke in so low a tone, that the greater part of his speech was quite inaudible in the gallery.

Mr. William Fitzgerald had come to a conclusion widely different from that which had been adopted by the

noble lord. He should not follow him, however, through the topics, various and irrelevant, into which he had entered. He admitted that ministers were not ignorant of the difficulties attending the expedition they had undertaken, but still they resolved upon it, in contemplation of the much greater dangers, which, from that quarter, might await this country. They did not think themselves entitled to enter into cool calculations on the responsibility which might thence attach to themselves. But, in the effort to render an important benefit to the country, resolved to run the risk of any blame which might be imputed to themselves. For this line of conduct, in his opinion, they were entitled to praise rather than to censure. Would it be contended, that because in the contemplation of destroying that naval force, which yet, too fatally for this country, might be felt, ministers had exposed themselves to the loss of office—they were not even entitled to merit. The honourable gentleman entered into a vindication of the policy of the expedition; and, on the second point, as to the retention, asked if it would have been proper, after an important arsenal was in our hands, and Sir R. Strachan was conjuring ministers not to adopt the ultimate resolution of abandoning it, till he had a communication with them, if at such a period as that, ministers would have been warranted in precipitately relinquishing it?

Mr. Grattan declared his reluctance to enter into any contrast between the military enterprizes of his majesty's government, and those operations of military policy conducted under the administration of the great Lord Chatham. He would at once proceed to the immediate discussion of the great question before them, and try it upon its merits as detailed in the evidence collected at their bar. It was idle to assert that, in viewing the policy of the late expedition, much was obtained by the conquest of Flushing. Would the right honourable gentleman opposite contend, that for that acquisition alone such an armament should have been sent out? If they did, he would in answer tell them, that for such an object, the sacrifice of so many lives, and of so much treasure, was unwarrantable. (*Hear, hear!*) But it is averred, in defence of the detention of that pestilential island, that Sir Richard Strachan had conjured the government not to issue orders for its abandonment, until he should have a personal communi-

cation with them. Let us for the purpose of duly estimating the authority of that officer upon that point, take into our consideration the whole of his expressed opinions. It was true that he did write to the admiralty in the manner specified. But what was his final impression upon that subject? Did he not tell you, at the bar, that if he had calculated the incidental expense, and the increasing sickness, he could not have thought the detention advisable? That information the government must have had in their possession when they received the letter of the gallant admiral, and therefore it was a most idle paradox to fortify their conduct in continuing a British army in that scene of contagion, upon the unexplained desire even of such an officer. A right honourable gentleman (Mr. Rose), had endeavoured to establish the inference, that it was wise to have attempted the conquest of the Isle of Walcheren, because it had been recommended by Lord Nelson to make such an attempt at a former period with 5000 men. Now it by no means follows, that though to retain it with five thousand men should be proper, that therefore it was wise, under the present circumstances, to retain it with an army of twenty thousand men. Besides, what were the admonitions of Sir Eyre Coote and General Don? Did they not tell his majesty's government, that it was absolutely necessary to send out a new force, not alone to defend the unprofitable conquest, but to protect from the enemy your dying army in their hospitals? The noble lord (Castlereagh), late secretary for the war department, had argued upon the propriety of that policy, which, in the state of Europe, during the late struggle between Austria and France, recommended an armament from that country to operate as a favourable diversion for the former power. In compliance with the dictates of that policy the late armament was prepared. It was prepared before the armistice concluded between the two armies in Germany was known in this country, but it did not sail until that event was undeniably certain. Then was it to be contended by the minister, that the course which was right to pursue before such a state of events was known in this country, was also right to be carried into practice after it was fully ascertained that a most lamentable change had taken place in the situation of our allies—such a change as left no chance for the success of that object, to accomplish which this very expedition was originally planned. That

was, in other words, that you should follow up that very course in the event of peace, which you had just decided upon as applicable to a state of war. So much for the strength of that part of the defence, which rested upon the proposed diversion in favour of Austria. There was also another observation of that noble lord, in which he argued that the expedition was justifiable, because the disposable force of the country happened at that period to be extensive. Now to what length did this argument extend? It extended to this, that because we chanced to have unemployed a very large portion of our army and our navy, it is necessary that we should be doing something. No matter how hazardous the enterprize; no matter how unauthorized our policy; the defence of the minister is, that we had such a force, and therefore we ought to get rid of it. (*Hear, hear!*) Ministers cannot now shrink from the whole responsibility of this great failure, inasmuch that it has been the sole offspring of the inveterate adherence to their own views. Had they been inclined to accede to the intelligence and information of the officers whom they consulted, it was impossible that they could have ever determined upon such an injudicious and fatal enterprize. Those generals had given no dubious, undecided answer; there was nothing equivocal in their inferences; but one and all exclaimed against the insanity of the proposed project. It was, however, not to be overlooked, that even those answers had the effect of rescuing the country from a more aggravated calamity. The house must recollect that Lord Chatham had stated in his evidence, that it was one of the projects of the government to make the attack upon Antwerp by the route of Ostend. From the mischievous consequences of such an attempt, the country had the good fortune of being protected by the unanimous protest of the five general officers with whom the government advised. They mitigate the temerity of the minister by the decided firmness of that protest, and at the same time that they saved the whole of the army from absolute ruin, afforded the most convincing illustration of the doctrine, that upon military objects your best dependence is upon the advice and intelligence of military men. Contrasted with the ruinous project by Ostend, the combined operation in the Scheldt had only the comparative advantage of being less impracticable. Such was the opinion of all the generals, almost, who were consulted or employed. Some

who had their doubts before the sailing of your armament found, when they arrived upon the spot, when they were acquainted with all the local circumstances, those doubts fully confirmed. Lord Rosslyn had stated, in answer to a question, whether the failure was the consequence of the delay, that he did not think this formidable expedition would have at any time succeeded. Sir William Erskine told you, that within a week Antwerp could have been secured against a siege; whilst Lord Chatham, the officer selected by the government to command that expedition, stated not only that he had his doubts, which were borne down by the admiralty, but that he did not place the fullest confidence in the intelligence which had been communicated to his colleagues. The naval officers also afforded nothing that did not tend to discourage any circumspect government from such a hazardous and desperate project. But ministers had intelligence of a secret nature from abroad, which had the effect of multiplying the objections of the general officer, and of confirming themselves in the propriety of the policy with which they were originally impressed. What has the report of the secret committee communicated respecting that intelligence? It has given, *first*, a memoir of the state of Walcheren, in the year 1803; secondly, another memoir of the state of the same island, in the year 1805, by a Dutch officer, with notes by Captain Owen; the third is a return of the enemy's forces in that island, anonymous and without any date; (*a laugh*); and, lastly, a return of the enemy's forces in the vicinity of Antwerp, extracted from a printed French army list, of the year 1808, found in the possession of a French officer, who was taken prisoner in Catalonia. (*A laugh.*) Besides, there were suggestions from a secret person, that, for the defence of Antwerp in case of attack, no reinforcements could be spared from Holland; and on the side of France supplies could not be forwarded before the expiration of a week. Here, then, was the great inducement which engaged ministers to dispatch their formidable armament to the Scheldt. For the attainment of their object, they had the chance, that if they did their business in a week, the French would not be on them; but if not within that time, they must be ruined. Aye; but such stimulating inducements received a considerable increase of influence from an occurrence of mighty promise, which had a short time be-

fore taken place at Rotterdam. Before he would relate that occurrence, it was necessary to state, that it was furnished by his majesty's government, to prove that they had justifiable reasons for expecting that there existed at that period, in Holland, a strong inclination to actual resistance against the tyranny of France. What, then, was this event so replete with public hope? It was the rescue by a mob of some boys brought up in a poor-house in Rotterdam, from a party of French soldiers, who were hurrying these boys to the army. Was it possible that any government could think of sending out an expedition of 40,000 men upon the futility of such intelligence as that? There was also some comments on the report of the secret committee upon the information received from a person described to be a young man, of the state of Antwerp, in the year 1803. There was one proof of the accuracy of that source of information; for the same individual, though he acknowledged to have passed through Breda, upon an inquiry whether works were erected there, stated, that if there had they had escaped his observation. (*A laugh, and cries of hear, hear!*) Was it, he would appeal to the house, consistent with the duty which statesmen owe that country, whose interests they are bound to protect, to hazard its honour and its security by equipping a powerful armament, and destining it to a most unfortunate point, upon such intelligence as has been described? It might be perfectly true, that, on the 17th of July, Antwerp might not have had a very considerable garrison; but that, on the 8th of the succeeding August, such a force might have been collected from nineteen garrison towns in its vicinity, as would have insured the complete defeat of your army. This was an inference not founded, as the noble lord would have it, upon the nature of the project, but resting upon the nature of the evidence elicited at the bar. For what confidence can that house now place in the communications upon which ministers acted, when every stage of the expedition confirmed their falsehood. Cadsand, they were told, was without troops, and Lillo not in a state of defence. Lord Huntley found in Cadsand 2000 men to oppose his debarkation, and heard that the whole force of the enemy amounted to 7000. What said Sir Richard Strachan at the bar? He told you, that with respect to the state of both, he found himself deceived. It was true, that with respect to Antwerp, General

Brownrigg had endeavoured to prove the project practicable, by shewing that under circumstances he could have carried it into execution. But in answer to this alledged practicability, he would ask why, if the attack upon Antwerp was thus easy and obvious, was not Lord Chatham brought to trial for the failure? How was it, that if 17,000 men could succeed against the fortified town of Flushing, containing a garrison of near 10,000 men, an army exceeding 20,000 men, could fail in their attempt upon Antwerp, without a garrison, with guns dismounted, and perfectly unaware, as ministers say, of the invasion of an enemy? Was it to be understood that the local difficulties were to swell into importance, when they were to justify the retreat of the army, but were to dwindle into trifles when brought forward to exonerate the minister? (*Cries of hear, hear!*) Upon what fair presumption then can the minister call upon that house to regulate its decision by a reliance upon evidence which it knows to be false, and to neglect evidence which it must feel to be true. It must feel that it has been proved that in every part of the proposed arrangement, the result falsified the intelligence upon which the attempt was made. But whilst it falsified the grounds upon which the minister rested, it realized every prediction of the men who predicted it. The history of that expedition, though short, was lamentably decisive. It sailed at the period when, as predicted by Sir Home Popham, the foul weather began, and the elements were in hostility. It sailed after the armistice had been concluded between Austria and France; at a time when the fortune of war had decided the fate of your ally; when, if they had had the calamity of lending an ear to your recommendation to renew hostilities, the measure of her miseries would have been filled up, and the hopes of her recovery blasted for ever. Why should this country have put to hazard even the accidental revival of her unfortunate ally? With what consistency can the right honourable gentleman defend this diversion, which they say afforded to Austria the chance of recovery from its misfortunes, at the same time, and in the same breath, that they argue against the propriety of having sent a force into the north of Germany, with a view of assisting the numerous insurgents then in arms? Why, say they, should we here encourage those to an ineffectual resistance to the power of France, only to subject them to more ag-

gravated oppression? Why then endeavour to allure Austria after her fall to the renewal of a struggle which would have for ever sealed her subjugation? Behold then the prospects under which this most calamitous armament left your ports. The season changed; the elements adverse; your ally, for whom the diversion was to be made, discomfited and ruined; and suing for terms of peace with the conqueror in their capital, whilst pestilence and plague were awaiting the arrival of your armada, to commence with ravenous appetite their contagious warfare against our gallant defenders. But the authors of these calamities contend, that this house should not try, by mechanic rules, the unmeasurable spirit of the British heart. They appeal to the feats of our ancestors, and to the glories of our history, to palliate the effects of ministerial temerity and ignorance. Do they forget, that when that spirit was excited, when those glories were displayed, they were directed against the ancient enemy of their name? It was in the hard-fought battles with battalions of France or Spain, that Britian obtained her proud pre-eminence, not in the inglorious struggle with pestilence and plague. Shall then a ministry, responsible for such calamities, find excuse in an appeal to the history of our courage? Is this excuse to be allowed to men who continued, amidst disease and putrefaction, an army of twenty thousand men, at the very same period that they had advices, that in another quarter of the world, in Spain, the ranks of our heroes were hourly thinning by the progress also of an epidemic malady? In my conception of public delinquency (said Mr. Grattan), there can be no conduct more reprehensible than that of his majesty's ministers, except, indeed, the conduct of this house, if it should be so forgetful of its duties as not to condemn them. (*Hear, hear!*) This house has lately censured Lord Chatham, for an attempt to set aside the responsibility of ministers; let it then take care, that its conduct upon this occasion does not tend to establish ministerial impunity. Decided as I feel upon their misconduct, I give my most sincere support to the resolutions originally proposed by my noble friend.

Mr. Canning began by observing, the gentleman who had just sat down had concluded by charging the authors of the expedition with the calamities which had accompanied it. As one of those authors, he trusted the house

would not be surprized, that he now rose to vindicate himself, and to state, that the expedition was not only justified, but commanded by motives of the largest policy; and he should add, had he himself not been concerned, by the most laudable views, by principles from which no administration would depart in substance, however much they might differ as to their application. This transaction was not to be considered as insulated, as confined within its own limits, but as forming a part of that system of war in which this country had been so long engaged, and might still be so long engaged, combining the general interests of Europe with such operations as appeared most essential to our own independence and security. The one branch, our own security, was not to be lost sight of; but neither was the other to be repudiated; for he apprehended, that in the state in which the war now was, it was a matter not only of interest, but of duty, to assist those whom the common enemy was oppressing; and to assist them with the means which had been provided, not only for the purpose of aiding them, but also for our own defence. The time might come when we should have to encounter our present enemy, not alone, but with those ranged on his side, whose hands must be against us, though their hearts might be with us. We ought never to lose sight of that period, and those enterprizes, therefore, were the best which combined the system of assisting others with a due attention to our own independence. He desired the house, then, to look at the expedition in both views, as calculated to assist the general cause of Europe in the way best fitted to promote our own separate interests. It was well known that the idea of this expedition did not originate with the Austrian war; but that the object had been long in the contemplation of successive governments. The moment had arrived when a strong chance of success presented, while the object became of tenfold importance. (*Hear, hear!*) And even if it had not been calculated to produce any effect on the Austrian war, still a regard to our own interests would have justified the undertaking. He hoped it would not be understood, that he intended any recrimination, or that he wished to resort to any unwarrantable means of defence, when he referred to a speech of the noble lord who preceded him in office, recommending the system of policy which he now insisted upon. He well

remembered that the noble lord in laying down the system of policy which, he thought, ought to be pursued by his successors, a system which he bequeathed to them as a legacy, had particularly adverted to Antwerp and the Scheldt. These were almost his last words. By one of those accidents which prevented their speeches from being heard by any but themselves, the speech to which he alluded had not gone forth to the public. He had then the authority of that noble lord who had been at the head of the naval and the political department, in favour of the system upon which the government had acted in this instance. It was recommended by the considerations of economy, which, in case of success, would have enabled you to dispense with the active exertions, at least, of a fleet in the Downs, and a fleet at Yarmouth; and though the Austrian war had not existed, it was the best plan for promoting the interests of England. On these principles the expedition might have been undertaken, but in addition to this came the Austrian war. Then the question arose how the assistance of this country was to be rendered. It might be given in one of two ways, either by a direct co-operation, or by a diversion, with the view of drawing off the forces of the enemy. As to a direct co-operation, he should hardly have said any thing about it had it not been for the wild speculations of those who proposed to send the expedition to the Adriatic, (*hear, hear,*) and mentioned the port of Trieste as the point of debarkation. (*Hear, hear!*) He had really heard this maintained by grave authority. (*Hear, hear!*) Was it necessary to paint the difficulty of conducting such a large armament, such a vast number of ships through the Gut of Gibraltar, and through the, to us comparatively unknown, Adriatic? (*Hear, hear!*) In another way, however, a direct co-operation had been attempted; he alluded to the descent in Italy; but that had been properly desisted from when the Archduke John retreated; but how would this plan have operated at Trieste, when the Austrian army was at such a distance? What then was to be done? Austria proposed, 1st, That we should co-operate in Italy. 2d, That we should maintain footing in the Peninsula. 3d, That we should land a force in the North of Germany, to take advantage of contingencies, of which he could only say that they had never occurred. The attempt was then made in Italy, and desisted from on the prin-

ciple, that to incite an insurrection which you could not support, was both useless and cruel. (*Loud cries of hear, hear!*) With respect to the second proposition, we did not maintain ourselves in the Peninsula. The third had not been foregone till it had been very maturely considered. Even when the minds of his majesty's ministers inclined towards Antwerp, the arguments for the North of Germany were duly weighed before it was finally determined upon to send the expedition to the Scheldt. He agreed that no temporary interests of your own ought to overbalance the consideration of what was due to the general cause. But in the expedition to the Scheldt, your own interests and those of your allies were united. An expedition had before been sent to the North of Germany, and only arrived in June to meet the fatal news of the battle of Austerlitz. The North of Germany was then indeed depressed. But what was its state then, compared with that in which it would have been found by this expedition, all in scattered fragments, where once appeared flourishing kingdoms? When the former expedition arrived, a Russian army, headed by the Emperor, was coming down to its assistance—Prussia was unbroken, and though its neutrality might have been questionable, yet that country presented a considerable extent of territory, which the enemy would respect. But look now at the condition of the same quarter? Russia and Denmark hostile—Sweden swept from the list of independent states, and the spear of Prussia, her army on which she so much depended, broken short in her hands. (*Hear, hear!*) Prussia was now hostile, not to mention the minor states, in all of which the lawful governments had been suppressed, and regular usurpations settled in their stead; and though discontented with their condition, possessing no bond of union between themselves; this was the situation in which an expedition in these times would find the North. Prussia, though broken, had still a respectable army, with which we must have come in contact. Would it then be useful to seek adventures of this kind? If Prussia should be decidedly hostile, our army would in the first instance be met by a superior force; if not, Buonaparte would gladly seize the opportunity which he had been long seeking, of snatching even the bauble of a sceptre from the hand, and the model of a crown from the head of the Prussian king. Under such

circumstances, a pretext for injustice would not be wanting, even though there should be no ground of suspicion; and this consideration alone was sufficient to induce the government to pause before it attempted such an enterprize. But besides this, what was the actual state of the insurrection in the North? A gallant soldier, unauthorized by his sovereign, had collected a few followers, the Prince of Hesse, who had been deprived of his dominions; was in arms with a small number; and the gallant Duke of Brunswick (*Hear, hear!*) had traversed, with a body of troops, the whole of the North of Germany unmolested—a proof, certainly, of the disposition of the people; but that disposition was quiescent. This was the extent of the temptation and the means, and this the extent of good. That a landing there would have detached some troops from the Danube was very probable. But you had to consider the expense to yourselves, and the sufferings you would bring on the North of Germany. Austria could not in justice call upon us to relieve her at the expense of such sufferings. What, then, was the result? Why, that an expedition to the Scheldt was resolved upon, as affording the best prospect of assisting Austria, by creating a more powerful diversion. As this was striking directly at the French territories, though there was no chance of co-operation; he said there was no chance of co-operation, and begged that this might be attended to, as words which had been improperly attributed to him had been inserted in the *Moniteur*, the French official paper, purporting that he expected such a co-operation. This might be a fatal instrument in the hands of the tyrant, and therefore he hoped the abjuration of any such expectation might find its way into the same paper. No expectation had been entertained of co-operation; and the circumstance that recommended this expedition was its being addressed to a part where there was the least temptation to join us. He concluded that it was improbable the people would join us in that quarter, partly from their more sluggish disposition, and partly from the circumstance that whatever had been the fate of other places, Antwerp had flourished by its annexation to France. It had, from a town, in the streets of which, as had been said, the grass grew, became a great commercial and naval depôt, by the removal of a restriction which treaty, and not nature, had imposed. It was evident then that no co-operation was expected; that no-

thing was looked to but legitimate hostile war. Certainly the information received by government warranted the conclusion, that the country would be found in an unprepared state, and in fact it appeared from the French official paper that Antwerp had not been prepared for the attack. Some time in September a correspondence had been published, which had taken place between the Emperor and the minister at war, in which the latter stated, that the expedition was originally intended for Spain; but no notice of the armistice had been turned against Antwerp. Now the conclusion of the war was certainly not the time for expecting any co-operation. Then followed the orders which had been given to call out the gens d'armes, to carry a conscription into effect, and to put the country in a state of defence. Was it not clear, then, from all this, that there they were taken unprepared? So far, by their own confession, the enterprize had been well and wisely concerted. But then it was contended, that his majesty's ministers must have been aware of the difficulties which this operation had to encounter. The difficulty, however, was merely that of taking the place by surprize before regular troops could be brought against us. Some gentlemen seemed to have very strange views of what effect difficulties ought to have upon government. They thought that nothing ought to be attempted without a plan and instructions to the mode of getting over every obstacle that could possibly occur. A man at a game of chess might, by taking certain moves on the part of his antagonists for granted, contrive a most excellent plan to insure success. But, then if the mover on the other side varied, his plan would be worth nothing. (*Hear, hear!*) It was impossible for governments to form plans or give instructions with this mechanical exactness. Mr. Canning then commented on the opinions of the generals. That of the commander-in-chief he considered as a decision between two alternatives in favour of the course by the Scheldt. Great stress had been laid on the word "desperate" in Colonel Gordon's opinion, as if he had meant that success was utterly hopeless. This was a character, however, which he conceived the opinion would not bear. What was meant to be conveyed was, that celerity was necessary, but, that with celerity there was good reason to expect success. A desire had also been evinced to disparage the opinion of General Brownrigg, because he could state no authority

for that opinion. But no such objection had been made to the opinions of the commander-in-chief and of the rest, because these were understood as adverse to the conduct of the government. But considering the experience General Brownrigg acquired on the Continent, his opinion alone would justify the plan which government had adopted. What would gentlemen have gained if he had stated his authorities? Another question would remain, what were the authorities of these authorities? The world was supported by the elephant, the elephant by the tortoise, but what supported the tortoise nobody knew. (*A laugh.*) He had Lord Chatham's opinion in his favour in the most unequivocal way possible. *Allez mes enfans*, said one—*Allons mes enfans*, said another. And it was very naturally concluded that the opinion of the latter was the best. Lord Chatham had not only agreed in the propriety of the expedition, but had undertaken to conduct it. It had been asserted that no instance in modern times justified the hope of taking a fortified place like this by surprize. That of Copenhagen had been rejected, because, as was said, there had been too much surprize. (*Hear, hear!*) Mr. Canning then stated a variety of instances in which strong fortresses had been taken by surprize. Dumouriez marched through Flanders to Holland, and took Bergen-op-Zoom, Breda, &c. by surprize, or at least without a regular siege, all of them well garrisoned. But it might be said, that these surrendered from the revolutionary sentiments which at that time prevailed. Why, then, look at Prague, a fortress which had been considered as impregnable, but which had been taken in seven days. The great Conde had sat before Lerida for months, but could not succeed; but the Duke of Orleans carried it by surprize in a fortnight. He who, like the General at Ulum, would do nothing because certain moves were against him, might be a very good tactician, but was not a warrior for these times. He remembered having heard that a book had been published by the French academicians, on a certain occasion, to prove that some project which was in contemplation in England was impracticable. There was *plus A—minus B*; equal to *C*; and in short it was mathematically demonstrated that the thing was impossible, and yet it had succeeded. (*Hear, hear, and a laugh!*) It was true gentlemen came forward with their mathematical reasonings now under great advan-

tages, as the expedition was known to have failed in its main object. But he argued that this failure proceeded from causes which it was utterly impossible for human wisdom to controul. It arose from the necessity of going into the Roompot, and the consequent prevention of taking Cadsand; and would any one say, that had Cadsand been taken there was not good reasons to have expected success? From the severe countenance of an honourable friend opposite (*a laugh*), he doubted there were judges in the house before whom the accused must plead their cause under great disadvantages. (*Hear, hear!*) There were some to whom they had had to justify triumph, and to make victory pardonable. About their opinions he was rather indifferent, but to the house he submitted his case with the greatest deference and anxiety, trusting that they would not regard with too much harshness and severity the conduct of those to whom the malice of man could attribute no motive but what was good. (*Hear, hear!*) But he had to complain of a disposition in gentlemen to look too much one way. He never heard them censure the conduct of Buonaparte in attacking Acre, and in shutting himself up in the island of In der Lobau, although the latter project had been considered by military men as a great error. They never detracted from his fame on account of the rash enterprizes, though they would confine the government to mathematical calculations. But what would be said, if the French army had been for three months in the Isle of Wight, threatening the arsenal at Portsmouth? What could they then have said in their justification? And yet, extravagant as this supposition might appear, the enterprize against Antwerp was of a similar description with respect to France. Though that enterprize failed, was it a necessary consequence that the failure implied blame in those by whom the expedition had been projected? He thought he might leave that consideration to the justice of the house. He confessed his first views on this subject were such as he thought would have justified him in not voting at all. But the second resolution turned out to be of a nature to call for his vote and opinion. He held that resolution to be unjust and immeasurably, or unmercifully (we were not sure which) severe. No man could conscientiously say, that his majesty's ministers with Walcheren in their hands, and with so many reasons for retaining it, were

bound to have come to an immediate decision. Gentlemen who looked to the consequences which they ardently desired, might perhaps endeavour to persuade themselves that the conduct of government was highly blameable in this respect. But no one who looking at their situation coolly and impartially could think so. Much blame had been attributed to them for sending an expedition to a place where disease was so prevalent, and he must come in for his share of that censure. The authority of an eminent physician, Sir John Pringle, was quoted to support the imputation. But he maintained that this book proved a great deal too much, for if taken in its fullest extent, it would follow that no expedition ought to go to any part of Dutch Flanders; and this would condemn most of our expeditions, and the whole of those of which he wrote the history. That all who read these papers most deeply feel the miseries incident to war was unquestionable, but though these miseries had been brought near to gentlemen, and though it might answer particular purposes to dwell upon them (*hear, hear!*) he begged of members not to deceive themselves as to the tenure by which they held their West India islands. Every one knew that there were evils attached to a state of war, besides what arose from engagements in the field; but he hoped gentlemen would not think that, by severity in this instance, they could procure absolution from others. Walcheren had often been an object of British desire, aye, and of British possession; and now it was of more importance to this country than ever. It had been stated, that it had been provided by treaty, that the regiment of Berne, in the Dutch service, should not be obliged to serve in Walcheren. He could not take upon himself to contradict this; but he could affirm with truth, that the regiment of Berne had, within the last 20 years, more than once actually garrisoned Walcheren. And he could further say, that, in Dupont's collection of Treaties, he could find no such clause; though there was an article, providing that the Swiss auxiliaries should not serve in Batavia, and the other Dutch colonies. This might very naturally have been stipulated, and the foreign troops here were not bound to serve in our colonies. But still all this was a question of degree. He admitted that the miseries incident to an unhealthy situation overbalanced many great political advantages. The customs of

Antwerp formed one-third of those of the whole French empire, and Walcheren, by commanding the mouth of the Scheldt, was so important in this as well as in other respects, that great efforts to retain it were perfectly justifiable, and his majesty's ministers might therefore, without blame, have hesitated before they gave it up. He would therefore vote against the second resolution; but he felt himself called upon to propose some amendments in the resolution on this subject moved by his gallant friend (General Craufurd). Your measures in favour of your allies must rest for their justification on the proportionate good you might be enabled to do. But after the failure, as to Antwerp, he saw no hopes of an insurrection; and besides, your force was not in the place where it could support an insurrection. But nothing could be expected from an insurrection, after Austria had abandoned the Tyrolese. The destruction of the works of Flushing did not of itself justify the delay. But he conceived that, as government had been engaged in receiving reports, some of which encourage the hope of retaining Walcheren, it could not be imputed to them as matter of blame, that they had not come to an immediate decision. He would vote for the conclusion, therefore, that no blame attached to the government; but he must change the premises. He could not believe that the house, considering the enemy we had to deal with, would be disposed to render responsibility so heavy as to crush all enterprize. Mr. Canning concluded with observing, that danger was not to be hastily apprehended from every trifling discomfiture, that the magnificent and substantial fabric of the constitution was not to be destroyed by withdrawing from it a single plank, and that on every ground of principle he should oppose the resolutions of the noble lord.

Mr. Whitbread said, much as he had been surprized at many things which had been uttered in his speech by the right honourable gentleman who had just sat down, he was still more surprized at one omission which that right honourable gentleman had made. To supply that omission, he had a right to call upon that right honourable gentleman, on the part of that house and of the country. He looked upon him as a man more responsible than the noble lord (Castlereagh) for the failure of the expedition; he considered him as deeply responsible for having done that which, in the history of the country, no other man

could be found to have done. That right honourable gentleman, knowing what the interests of the country required —knowing too all those measures which were in contemplation, and going on, and having information of the expedition which was in preparation, did, on the 16th day of April last, go and declare to the Duke of Portland, then at the head of the government, that the minister who was to have the conduct of that expedition was not competent to his situation; that the man on whom that duty devolved, however he might esteem him in private, however he might value him for his good qualities and virtues, was not competent to his public situation; (*hear, hear!*) that the man with whom he was in habits of friendship and confidential intercourse was so unfit for his office as to be incapable of conducting the expedition. Not satisfied with this, the right honourable gentleman went to his majesty to make the same communication, for fear of any mistake. But to the noble lord himself he never communicated his opinion, that he thought him incapable of performing the duties of his situation, but suffered him to originate and conduct to a close that expedition, which had terminated so disgracefully for the country. (*Loud cries of hear, hear!*) The noble lord, on a former occasion, in a speech, which was said to have produced much impression and effect, but which had certainly produced no impression on his mind, used an expression as applied to the government, which he should have occasion to notice by and by. In that instance the noble lord had stated, that the administration was founded on a rock. (*Hear, hear!*) Little did the noble lord on that occasion suspect that the rock was mined. (*Hear, hear!*) Little did he think that he was in danger of being blown aloft in the springing of the mine. But as it often happens to him who kindles the train, the right honourable gentleman who laid it was also blown up with him. It was the wish of the right honourable gentleman to place the noble lord in another situation, a change which the generous feelings of that noble lord, and he was ready to give him every credit for those generous feelings, could not be brought to brook or submit to. It was not his intention to impute improper motives to the right honourable gentleman; but he was sure that he was bound, both as a public man, a minister, and a statesman, to preserve his character free from such imputations. If it appeared from history, that

men frequently engaged in wars with a view to preserve their situations; if they were told of Louvois, that when he incurred the anger of Lolpis XIV. he induced his master to embark in a war which was to bring destruction upon thousands of the human race, these instances should be a warning to the right honourable gentleman, and make him careful how he should suffer himself to be influenced by similar motives. He was not disposed to enter into the consideration of the personal feelings and circumstances of the transaction between the right honourable gentleman and the noble lord. But the right honourable gentleman had twice appealed to the public, and once again by his friends. As one of the public, he, leaving both the noble lord and the right honourable gentleman at the thresholds of their offices, and passing over every thing private or personal in the case, had a right, upon public grounds, to demand from the right honourable gentleman some satisfactory explanation. With regard to this whole proceeding, he professed himself to be the partizan of the noble lord, and not the abettor of the right honourable gentleman. (*Hear, hear!*) So far as regarded the public, he would ask the right honourable gentleman how he could answer the question which he then called upon him to answer, and which had been put to him before, a month since, without obtaining any reply? He would ask the right honourable gentleman how he could answer to his sovereign, how to that house, how to the country? The right honourable gentleman had had on that occasion oral communications with his sovereign, which he had concealed from his colleagues. After he had confessed that by his vote he had condemned the secret transmission of written communications to his majesty, how was the right honourable gentleman to defend his own conduct in that instance? He was aware that the right honourable gentleman had, on the former night, attempted to put a distinction between oral and written communications, which was not intelligible to him. It would remain, therefore, for that right honourable gentleman to shew in what that distinction consisted, if the question could be reduced to a shape in which they could touch it. Had not the right honourable gentleman pronounced a noble person guilty for making an official communication to his majesty with a request of secrecy? and in what did the case of the right honourable gentleman differ from

that? The right honourable gentleman had told them that they never found fault with Bonaparte. He had told them that they had often found fault with his majesty's ministers, and asked whether they had ever, in any instance, blamed the conduct of Bonaparte for having been foiled and defeated at Acre? But what had that house to do with Bonaparte? Their business was not with Bonaparte, his projects, or his failures, but with the right honourable gentleman and the noble lord; but, above all, with the right honourable gentleman, for the manner in which he had conducted himself, in leaving the management of the campaign in the hands of a person whom he had denounced as incapable. The noble lord had undertaken and conducted the expedition, supposing himself competent to it: the right honourable gentleman, on the contrary, suffered a person to undertake a measure of so much importance to the interests and honour of the nation, whom he looked upon as incompetent. (*Hear, hear!*) The noble lord was responsible for the failure of the expedition; the right honourable gentleman was responsible for having suffered it to be conducted by one whom he thought incapable, and in whose management it had ultimately failed. The right honourable gentleman had entered into a long and fanciful detail of observations respecting the balance of power in Europe, a system which had altogether vanished from the political world. There was no longer any possibility of such a combination in Europe, as in these times could be looked to with any good prospect of restoring the lost equilibrium. After ridiculing, in unqualified terms, the idea of an expedition directed to the Adriatic and Trieste, and bestowing nearly equal ridicule on the notion of an expedition to the north of Germany, the right hon. gentleman then took credit to himself, and the government of which he had been a member, for their humanity and forbearance in not exciting or encouraging an insurrection in any part of the Continent, which they had not the means of supporting: as if any such considerations had influenced their conduct in abstaining from such a proceeding. Oh! those tender lambs of Copenhagen! Oh! th se humane and merciful souls, who shrunk from the cruelty of exciting to insurrection those unfortunate persons who may have been disposed to rise against their rulers, but who could not rise with effect! What an overflow of human kindness it must have been which could

make them abstain from the atrocity of stirring up to fruitless efforts an unruly population, even though for an object which they themselves looked upon as important? It could not be denied that the moment was favourable for an attack upon Bonaparte at a time when his forces had been withdrawn from the coast and the interior, and when his fortune had been balanced, and his fate suspended on the Danube. Both the noble lord and the honourable general opposite, (Craufurd) had asserted, that the people in the north of Germany would rise; they had also stated, that Bonaparte had lost 50,000 men at the battle of Asperne. Could it be doubted, that if an army of 40,000 British troops had been landed in the north of Germany, it would have turned the fortune of the campaign, if there was any ground for expecting an insurrection in the north, an expectation which he never entertained? But if there had been any reason to calculate on such an insurrection, he would ask whether a British army of 40,000 men, landed at that period, in that quarter, would not have afforded the best prospect of overturning the fortune and power of Bonaparte? The noble lord had talked, in a strain of boasting, of his projects, and the operations which had been in contemplation. But after the evidence they had heard, they must be sensible that it was their poverty alone that kept their forces at home. To this fact they had the conclusive evidence of Mr. Huskisson—evidence to which he begged to call the most serious attention of the house, but which the right honourable gentleman, from the nature of his observations, seemed neither to have heard nor read. It was of no signification whether they had 100,000 disposable troops or not; whether an opportunity presented itself for employing them with effect on the Continent or not; whatever opinion might be entertained of the practicability of particular operations, the want of money was an inseparable bar. It had been said by the right honourable gentleman, that the members of the government, of which he had been a member, had considered the relative circumstances, advantages, and prospects of an operation in Italy, in the north, or elsewhere, before the fiat had been issued for directing it to the Scheldt. But he must contend, that before the war had broken out between Bonaparte and Austria, the expedition to the Scheldt had been decided upon. Amongst other facts produced by the right honourable gentleman,

he had alluded to a speech delivered by a near and dear relative of his (Lord Grey), a short time after he quitted office, in which his relative recommended to the consideration of the ministers who succeeded him, the importance of the Scheldt and Antwerp. Whether the right honourable gentleman took up the idea before or after his noble relation had been said to have suggested it to him, he did not know; but this he could well recollect, that in a speech of that right honourable gentleman, a short time after he came into office, he declared, that whenever a measure of policy was recommended to him by his predecessors in office, wherever he could trace their steps, it would be a warning to him not to follow in the same track. In calling the attention of the house, however, to what had been said on the former occasion by Lord Howick (now Lord Grey) upon the subject of Walcheren, he had forgot to state that the same subject had successively occupied the attention of the government of Mr. Pitt, of Lord Sidmouth, of Mr. Pitt again, and of the succeeding administration, as well as of the present; and that, after the most mature consideration, all idea of an attempt upon Walcheren had been abandoned (*hear, hear!*) by each, until the fatal resolution of the administration of the Duke of Portland. The expedition thus undertaken had failed, and he therefore had to call upon the house of commons to avenge the public upon those ministers who had subjected the nation to this calamity; but, above all, upon that individual who had declared to the Duke of Portland, and afterwards, for fear of mistake, had gone to declare to the King, that the minister intrusted with its conduct was incompetent to his situation.

The right honourable gentleman had favoured them with an explanation of the vote which he intended to give, and taken credit to himself for voting against the resolution censuring the policy of the expedition to the Scheldt. But where was the merit in that? Was not the right hon. gentleman, in giving that vote, promoting his own defence, he having been one of the prime movers and abettors of the expedition? But it should never be forgotten, that on the day when the intelligence of Lord Chatham having abandoned the further prosecution of the ulterior objects of the expedition had been received—on the day when the accounts were brought of the retreat of Lord Wellington's army; and that, notwithstanding the battle of Talavera,

it could not maintain its position,—on the day when we were informed of the result of the foolish and unprofitable expedition against Ischia and Procida, a result which any man of sense must have anticipated,—on that day, when the cabinet was overwhelmed with an accumulation of disastrous intelligence, and grievously perplexed about the best means of extricating the country from the difficulties in which it was involved,—on that very day the right honourable gentleman called upon the Duke of Portland to fulfil his promise respecting the removal of the noble lord, offering the alternative of his own resignation. At a time when the right honourable gentleman must have been aware, that the noble lord who had planned and conducted the expedition, must be the most proper person to superintend the measures necessary respecting the retreat and security of the army, one might have supposed that the right honourable gentleman would have some regard to the situation of his colleagues and of the country. But no: the right honourable gentleman had no mercy for colleagues; in the pursuit of his own views of ambition, he cared not what embarrassment he brought upon them or upon the country.

"Hot, cold, wet, and dry,
"All contend for mastery;
"But he threw Chaos in."

The right honourable gentleman sought the highest official station in the administration, in which he was disappointed; and the intrigues that followed brought the Marquis Wellesley into the office which that right honourable gentleman held at the time when he wished to introduce that noble lord into another. When the right honourable gentleman had so conducted himself, he was not surprized at the vote which he meant to give. On the contrary, he should have been much surprized if he would have been tempted to vote against his former colleagues. The right honourable gentleman had quoted some passages from the *Moniteur*, to show that Antwerp was not in a state of defence at the time the expedition sailed. He had also told them, that this town was the darling object of Bonaparte's attention; that it had been made by him a grand emporium of commerce, and a great naval depôt; and then winding himself to an hyperbole, the right honourable gentleman asserted that one third of the customs duties of France were collected in the port of Antwerp; that so

much support was derived to the tyranny of France from that city; was it credible then that Bonaparte would have left so important a place without adequate means of defence? Antwerp had been acknowledged by the honourable general, the noble lord, and the right honourable gentleman, to have been the best object for the expedition; and yet the right honourable gentleman had stated, that the Antwerpers were, perhaps, the only people in the dominions of France that had most reason to bless the accidental circumstances that made them prosper under the government of France. It had been contended, that the expedition had effected a powerful diversion in favour of Austria; yet the evidence shewed that it could never have led to protracted operations. The evidence of Mr. Huskisson proved clearly that the expedition could not have been sent to Germany or Italy for want of money. So that after all it was only Antwerp, and the arsenals there and in Walcheren, including, perhaps, the retention of Walcheren, that could have been the objects of the expedition. What diversion could arise from such operations in support of Austria? The right honourable gentleman had asserted, that we were not bound to give assistance to Austria; but when that power had determined to make an effort against France, it was clear that she ought to have been supported. But no; the right honourable gentleman, still acting upon the selfish policy, would direct the force of England for British objects to the Scheldt, where no diversion could be effected in favour of Austria. When the bauble of the sceptre, and the military force of Prussia, had been wielded by Frederick the Great, they were successful in every part of Europe, and it was not the fault of the Prussian soldiers, but the want of mind to command them against Bonaparte, that caused the annihilation of the Prussian army. The British troops, the brave British army, would also prove a bauble, if badly commanded. Let the right honourable gentleman then abstain from calumniating the brave soldiers, but attribute, as he ought, all the sufferings of the Prussian monarchy to the incapacity of their rulers and commanders.

The right honourable gentleman had quoted some passages from a speech of his extracted from a London print into the *Moniteur*, as if some terrible punishment should be inflicted by the French ruler on his subjects in consequence. The honourable gentleman need not be appre-

hensive. Bonaparte had acted, and will continue to do what he pleased, without that right honourable gentleman being consulted. In the irruption of the French, under Dumouriez, into Holland, all the towns alluded to had opened their gates, except Williamstadt. Both the noble lord and the right honourable gentleman had said, that they had not expected so much resistance as had been encountered. He was sorry to couple the noble lord with the right honourable gentleman, but in answering an argument urged by both, however reluctantly, he was obliged to couple them. The honourable gentleman then showed that the progress of the expedition had not been retarded by the whole having been blown into the Roompot, as the division of the Marquis of Huntley was to attack Cadsand, and was prevented from doing so only by the want of boats. The honourable member then took a view of the arguments of the noble lord (Castlereagh), who, he observed, in vain, bottomed himself upon Lord Chatham and the expedition against Rochefort, and then proceeded to a height where he continued elevated, like the poor Monk on Pompey's pillar. Leaving the noble lord upon his imaginary height, it would be an easy matter to drive him from his other holds, when he would be left bottomless. The noble lord had, however, tried to bottom himself on Lord Chatham! the great Lord Chatham! Why, if the talent of the whole administration was united, and compared with the single intellect of that one man, it would look as "Ossa to a Wart." Lord Chatham dislodged a wretched and intriguing cabal; he was dismissed from office; he rose superior to his difficulties, gained strength from the fall of the mean administration which superseded him, and raised England to the pinnacle of glory on which she stood proudly at the commencement of this reign. On such a man's acts, he feared the noble lord could establish no precedent for his conduct. Failing here, the noble lord next bottomed himself upon General Wolfe! General Wolfe went to Quebec, most probably ignorant of his ultimate destination; but he succeeded in his designs, and General Wolfe stands, both for us and for future times, a model of enterprize and discretion.—(*Hear, hear!*) The next person to whom the noble lord had recourse was Lord Nelson! Lord Nelson had a foresight peculiarly his own, to which he feared the present attempted parallel was but ill suited; at Aboukir he de-

pended on himself; he saw that his ships could sail where those of the enemy swam, and he made an attack on them: only one ship of as gallant a captain as any in the navy went on shore; and Nelson said he was glad of it, as it served the others as a buoy; he succeeded in his attack, and attained a glory, in the comparison of which the present imbecility sunk doubly. (*Hear, hear!*) At Trafalgar he improved on the expedient of Clarke; and at Copenhagen he confirmed all his former successes, and established his future glory. On this man either, it was to be feared, the noble lord could find no bottom. The next precedent chosen was the expedition to Egypt: that expedition first was intended for Belleisle, and had actually proceeded to Ferrol: it went, however, to Egypt; and the event covered Abercrombie and his brave coadjutors with glory. On this also he feared there was no bottom. (*Hear, hear!*) He did not know, indeed, where the present ministry could find a parallel. He would remind the house, however, of the expressions of the Great Frederick relative to the men who had preceded Lord Chatham. The house might apply them. "They were," said he, "a batch of wretched little lawyers, presuming to compare themselves to Prince Eugene, whom the great Lord Chatham ousted." (*Hear, hear, hear!*) Having in vain tried to *bottom* themselves, then, upon great precedents, they had recourse to such authority as existed among themselves; and a right honourable gentleman declared that General Brownrigg gave an opinion in favour of the expedition. The fact was, however, he did no such thing. The right honourable gentleman then said, the Dutch were sluggish and would not rebel. The general was here against him; but the right honourable gentleman used his evidence most conveniently; affirming it where it made for him, and totally disregarding it where against him. It was said, however, that they wished to discredit this evidence. They certainly did not; they merely contrasted it with the evidence of others, and finding three to one against a gallant general, and the gallant general against the right honourable gentleman himself, they drew the obvious inference. An attack of this kind came badly from those who thought proper themselves to disregard Colonel Gordon. But it had been found out that Colonel Gordon was a young man without experience. Now, really he would much sooner be a young man without ex-

perience, than an old man in the same situation. He meant no disrespectful allusions, but he certainly had no fear in putting the experience of Colonel Gordon against that of Lord Chatham. (*Hear!*) By way of an excuse for the appointment of Lord Chatham, it had been said he had served in America. This was not the case; he never had served in America. He had served, indeed, in the disastrous campaign of Holland; and, as Sir D. Dundas had said, he had no doubt he had behaved very bravely there; but still that was no reason for now giving him the command of 40,000 men. (*Hear!*) The noble lord, however, had chosen to rely on his own judgment in all his appointments; he disdained military opinions; they were, in the noble lord's own language, like lawyers' opinions—lawyers, who would first deny the validity of a title-deed, and then run and purchase the estate themselves. Why, what rogues of lawyers must the noble lord have associated with! (*Hear, hear, hear!*) What an aspersion did he cast upon his old companions! (*Hear, hear!*) The noble lord disdained opinions. There was an anecdote related of Bonaparte on this subject, when he went to take the command of the army in Italy. He brought with him a plan of the campaign, which had been digested in Paris: this plan he read to his general officers, and after reading it he tore it. He had a plan of his own, and so had the noble lord. The only difference was, that the one produced victory, and the other calamitous disgraces, for which an indignant country was now demanding vengeance. (*Hear, hear!*) There was another anecdote recorded of Bonaparte, which would shew his respect for military opinions, and the description of persons from whom he chose to derive them. After a failure in one of his campaigns, he did not choose, like the noble lord, to depend upon himself, nor did he choose to depend either upon his generals or captains, but he collected his non-commissioned officers together, and abided by their decision. The noble lord had, however, not only thought proper to reject opinions in the first instance, but even now the common vocabulary could not supply him with a phrase strong enough to express his ridicule of them: he had absolutely coined a new word to express his disregard of the evidence of Sir W. Erskine: it was (said the noble lord) grotesque and "chivalrous." It might be dullness of comprehension in him, but he really did not

comprehend the term. "Chivalrous," however, as might be Sir W. Erskine, he was content to take him as commander of his army, and he would give General Brownrigg to the noble lord, and they would take the field thus arranged—he had no fear for the issue; and he saw by the noble lord's smile, that he was willing to fight him on his own terms. The evidence of his general he must defend from the imputations cast on it; and he had no hesitation in pronouncing it as clear, distinct, and erudite, as any he had ever heard. It was now most consistently discredited, because it was true; and all his predictions were ridiculed and denied, because every one of them had been calamitously realized. (*Hear!*) The noble lord had condemned them for conceiving speculative campaigns, and insisting that they should have been acted on. He was content, however, to take the campaigns of the ministry themselves. They were two in number; the first was the campaign of the noble lord and General Brownrigg. They commenced most valiantly. On they went, fighting side by side, and bearing down every impediment. Nothing could withstand them, until at last, unfortunately, the noble lord advised the gallant general to take fire-brands, proceed up the Scheldt boldly, and burn the ships.—"Indeed, (said the gallant general) I am tired," and so ended the exploits of the combined commanders, and the glorious hopes which they had originated. (*Hear, hear!*) The other campaign was that of General Craufurd; and most valiantly did he cut and dash at every thing before him, and a most noble issue had he conjured up; when, alas! the vision vanished, and the army appeared perishing in the marshes of Walcheren! The campaign of the noble lord disdained any limitations of time; he "was not bound to a day." Here was a slight difference between the plan of General Brownrigg and his; the gallant general *was* bound to a day—all his success depended upon being in such a place on a certain day; and most dismally for his campaign did it fall out that he could not in the nature of possibility arrive at that place on that day (*Hear, hear!*) He would, for instance, in the ardour of his fancy, buoy the whole fleet up the Scheldt channel in a few hours. This it required fully a week at least to accomplish; and thus the general's famous plan fell to the ground, because it was impossible. Even in attempting to bear up before Flushing, the two

admirals' ships ran ashore; and had it not been for the panic of the enemy, might have been instantly consumed with red-hot shot. Who would believe, then, that the gallant general, enterprizing as he was, could possibly, in a few hours, bear up above one hundred ships, through the more extended and difficult navigation of the whole river? There was, now that he had disposed of the gallant general's fanciful campaign, one circumstance in the evidence which he must allude to, and which in his opinion, subjected the noble lord to the most severe account. It appeared that Lord Chatham did not know the situation of the arsenals at Antwerp. Now, from intelligence laid before the secret committee, it was proved that the noble lord did. What was the reason that he did not, as in duty bound, inform Lord Chatham? (*Hear, hear!*) How would he answer to the country for the most culpable neglect? How could the right honourable gentleman avert the still more serious responsibility of allowing his incompetent colleague (as he conceived him) to remain in office? (*Hear, hear!*) He did not wish, indeed, to produce any comparison between the noble lord and the right honourable gentleman. The noble lord had, through the entire progress of this question, conducted himself in the most candid and manly manner; he had declared he did not shrink from responsibility, and he consistently voted for inquiry. (*Hear, hear!*) The right honourable gentleman, on the other hand, had affected candour, and acted with duplicity; he had pretended that he sought investigation, and yet he voted staunch against inquiry. He now, indeed, talked of the benefits of this inquiry, when he could no longer avert it, and pretend to panegyrize that which could have no good result, unless it involved him in merited condemnation. (*Hear, hear!*) Since this inquiry had proceeded, he had only to regret that the names of the different members did not go forth coupled with the questions which they had separately asked the witnesses: considering from whom many of the questions had come, the effect would have been extremely diverting. The noble lord, for instance, had asked Captain Woodriffe (who had surveyed the whole country from the top of a church steeple), what good he could foresee from the expedition? The witness answered, "none at all." (*Hear!*) Foiled in this, the noble lord begged of every one to tell what a desperate weapon Congreve's rockets

were. Now this was hardly fair, it was like a tradesman puffing off goods, in which he had a concern: but in the end, the noble lord made no use whatever of these destructive instruments, in his speech. He begged pardon of the honourable gentleman opposite (General Craufurd), but he really was led away from his campaign by the noble lord: but to tell the truth, he had indulged in a gentle slumber during part of its fatigues. (*A loud laugh.*) "I have indeed wondered, Sir, (said Mr. Whitbread) how your vigour was able to stand it; though my surprize is much abated, when I consider the exertions which you are ever ready to make for the general interest. (*Hear, hear, hear!*) I really, however, had sunk into a slight oblivion during some of the sieges; though, indeed, to say the truth, few of them took much time. (*A laugh.*) And, when I awakened to resume my services, happening to ask from a friend near me, how far we had got—"Oh, (said he) our general says, '*by G—d*,' he has just taken Bergen-op-Zoom. (*Loud and repeated laughing.*) I was a little startled, I confess, at first, Sir, but at length, upon reflection, I thought the oath most venal, and I trust when it is recorded where another oath stood, it may be obliterated by the same means. (*Hear, hear, hear!*) Alas! what a train of reflections did not that oath awaken! How many poor Le Fevre's did I instantly fancy, lingering under wounds and sickness, without a friendly Shandy to relieve them from this calamitous expedition! (*Hear, hear!*) The gallant general has said, he is tender of his soldiers. I am sure he has been prodigal of *himself*. (*Hear, hear, hear!*) Let me assure that gallant general, there is not a man in this house, who esteems his services more highly than I do; not one who sympathizes more feelingly in his sufferings, or respects more highly that honourable badge which he bears about him, of his ardent efforts in his country's service. (*Hear, hear!*) I really thought, however, when the gallant general was planning all his sieges, that I saw the gallant Toby Shandy mounted on his hobby-horse, taking Mamur. Mr. Shandy differed in one thing, however, from the gallant general and the ministry which he supports. Mr. Shandy had a *regular plan* of every thing in his campaign. (*Loud cries of hear!*) His sods and grass plats were scientifically intersected, and his jack boots regularly mounted on the batteries as cannon. (*Hear, hear!*) The gallant general

fought all his battles with the spirit of my uncle Toby, and even offered his head on a charge if he was defeated." (*A laugh.*) It was not his head, however, which they wanted: he knew right well his head was quite safe, as he could not possibly share any responsibility, as he had not been employed. The noble lord could not, however, so easily get rid of this responsibility. He gave him the credit, indeed, of not shrinking from it; he gave him also the credit of affording a full and complete preparation to the expedition. The soldiers were well equipped, and the staff quite completed. "Even (said Mr. Whitbread) even the city staff was perfect. The good city of London was represented by the jolliest of her aldermen. (*Loud laughing.*) To him the noble lord paid the most marked attention. He went to Deal. He was the last person he saw. "Oh! how tenderly affecting was the interview! The fleet sailed—how sad was the parting! The noble lord stood on the shore saluting the jolly alderman, and catching his last sigh—

"He waved his lily hand, and bade adieu!"

But at last the envious winds interfered—the *Phœnix* spread her wings, and wafted the turtles and the alderman to the destined port. (*Loud laughing.*) "Last night," (said Mr. Whitbread) I looked about for him, when an allusion was made to the expense at which the city estimated the expedition. The jolly baronet was away, but another kissed the rod. I really do not know his name, there are so many of them; he may be known, however; his face is less round and less ruddy than the other; (*continued laughter*;) indeed there is no distinguishing those city representatives—there are three of them there huddled together on the same bench—*three baronets*, all elevated for *unheard-of services*." (*Hear, hear!*) He must leave the aldermen, however reluctantly, and return once more to the noble lord. The noble lord, indeed, was in high company; he had called no less a personage than Napoleon to his aid; but Napoleon would not come. There was now an excuse, indeed, for him; "he was married and could not come." (*Hear, hear!*) The noble lord was very ungallant to make such a request at such a time. He could scarcely expect the emperor would have left his young bride, in order to give evidence upon the Scheldt inquiry. The marriage, however, had now

taken place; and he hoped sincerely the honey-moon might extend happiness over the face of the earth, and establish that peace which France had so often offered in vain. (*Hear, hear!*) He had indulged in some farce on this subject—alas! he was now come to pure unmixed tragedy—he was now come to a melancholy estimate of the prodigality of human life, and the wanton extravagance of human happiness—he was come to consider the cruelty of men who had sent our troops to perish unnecessarily and ingloriously in the most unhealthy climate in the world, at its most pestilential season! It had been said by way of extenuation of ministers, that the last season was remarkably rigorous: he had to state, from good authority, that it was one of the mildest ever known in Walcheren! (*Hear!*) Sent to inevitable sickness—even in that sickness our poor soldiers were neglected. Who could wonder at it, when they recollected the ill-constituted, ill-arranged, and ill-digested medical board? (*Hear!*) Their head, Sir Lucas Pepys, said, what he meant by the investigation of camp and contagious diseases, was the inspection of the hospitals. He might just as well have said, that the way to judge of the diseases of the foot, was to look into a pair of cast-off boots! (*Hear, hear!*) To show the effect which those diseases had upon our army, he had only to state, that out of the third regiment of guards (light company), which marched out of London 128 strong, only 32 returned, and five out of that number were unfit for duty. Thus was our army crippled by this disastrous expedition! He was near concluding without remarking on the idea of a *coup-de-main*. The noble lord who had coined the new word really seemed not to know the meaning of the old ones. He (Mr. Whitbread) had considered a *coup-de-main* as a single, distinct, and quickly executed operation; but the noble lord seemed to consider it rather as the result of protracted operations and suspended attacks. (*Hear!*) It might just as well be said, that if the ministry, so often broken down already, and discomfited, were finally subdued on the present occasion, they had been carried by a *coup-de-main*. (*Hear, hear, hear!*) As to the retention of Walcheren, he really cast all the blame of that measure on the right honourable gentleman opposite, who, when the cabinet were perplexed over their failure, had increased their confusion by creating private feuds, and casting the

apple of discord among them. (*Hear, hear!*) Exhausted as he now was, and as the house was, he should conclude by demanding their unanimous and prompt decision. The nation demanded their decision—the wreck of our brave army demanded it—the martyred thousands whom we had left to rot in Walcheren demanded it. "There is, indeed, (said Mr. Whitbread) from the centre to the circumference of the empire, one united, universal, heart-rending cry for justice. (*Hear, hear, hear!*) Give it then to the supplications of the people—give it to the sorrows of the army—give it as the last consolation to the widows and orphans of the dead. Give it as a pledge of the honour and integrity of the living."

Captain Parker said a few words in vindication of the expedition; after which the house adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 30.

SPANISH PAPERS.

Lord Grenville rose, in pursuance of the notice he gave the preceding day, to make his promised motion respecting certain papers which had been injudiciously and negligently laid on the table of that house, and printed with the mass of Spanish papers. His lordship commenced his speech by a variety of observations on the principles upon which government should act, with respect to communications received by them concerning the state of foreign governments, or the individuals connected with them; and more especially when such governments were in alliance with this country. It was their duty to act in such cases with peculiar delicacy; or the consequence would be, that unnecessary and dreadful miseries might be added to the unavoidable calamities of a state of warfare. It had never till lately been the practice of this government to act contrary to such principles. He recollected a case in which he was concerned, wherein part of the dispatches were so cancelled, for the purpose of avoiding a publicity dangerous to individuals, and to our own interests. There was, indeed, an instance in which a consul had been laid under the imputation of sending improper advices home; but then, he was a British subject, and was under the

protection of the government. There was an instance, at the termination of a ministry, a few years back, of a most indiscreet disclosure of that kind, which, it was well known, excited pretty general disapprobation, and was likely to be made matter of parliamentary consideration. He almost regretted that he was one who dissuaded others from that course which he thought might make publicity more dangerous: but he never thought it would be regarded as a precedent. He thought the time now come, when their lordships ought to interpose for the honour of the country, and for the vindication of interests that should be held sacred, against cold and unfeeling neglect. He could not understand why that mass of papers was printed. His noble friend who moved for them, worded his motion so, as to leave to ministers the duty of selecting such parts as were consistent with public safety and individual security; that motion being for copies and *extracts*. That house was no party to these disclosures, nor, he was sure, was his majesty, when he granted leave for their production; but let the house see what they contained. The whole tenor of them was to shew the wretched weakness of the Supreme Junta, and especially to impugn the character and conduct of the commander of the Spanish armies. Turn over all the proceedings of parliament, and you could not find an instance in which, just at the close of a campaign, a foreign commander was thus brought before parliament, with whole pages of invective against him. Such shocking injustice had not before stained our proceedings. He knew nothing of General Cuesta; but if he were a man of honour and character, he must feel as acutely as any man in this country would, under similar circumstances. He was reviled by ministers in parliament, and their attacks on him published here and throughout Europe, even in the very country where he was serving. How was he to defend himself to the Spaniards against our accusations? Even in the defence of our own general, it did not seem that attacks on character, but that statements of facts in the conduct and operations of the general of the allies, would be sufficient. Was it fit for a British minister to make a charge of meditated treachery, implying the bringing into difficulties and sacrificing his own army, unless he had a positive certainty of the facts? What foreign general could feel safe if the administration under which

this country has the misfortune to groan, would put on paper, make official, and circulate such imputations? At page 50 of the papers, it was stated, that the General Cuesta was considered to meditate a serious plan of vengeance (not against the enemy!) but for the treatment he had received half a year before: and to betray the country, by sacrificing the army. A man should be slow in making such an imputation; but doubly slow when there was nothing stated like an overt act to justify the attributing such base motives; any man would, at least, be very cautious first to ascertain the truth. At page 51 of the same letter, Mr. Frere, the king's minister at Seville, speaking of General Venegas, says, he has no military reputation. "We have," he continues, "only two men fit to command in a military manner, even a small body of troops." This he writes in Seville, surrounded by an army which ministers had represented in such favourable colours. "These two men," he proceeds, "are General Blake and the Duke of Albuquerque, both without armies; the first by a misfortune, the second by giving umbrage to the junta by his high birth and large fortune!" (*Hear!*) Yet, it had been told that this junta particularly claimed our support as the ardent defenders of the just relations existing in society. It was further added of the Duke of Albuquerque, that he had excited the jealousy of Cuesta also, which might lead to the sacrifice of his reputation, and the loss of his services to the Spanish cause. At the moment when that was written, the duke was actually serving under Cuesta; and it meant that the latter was jealous of his superior talents. Ought this to have been made so public? It would detain their lordships too long to read all the reflections these papers contained on Cuesta. This man had long commanded the Spanish army; and what must he think of these representations? But he is one of whom the king's ministers think they have a right to make complaints, and would sacrifice him to cover and screen their own errors. The Duke of Albuquerque, Mr. Frere selects as enjoying general confidence and admiration, and he wishes him to have command of the army. He recommends him to Sir Arthur Wellesley. He therefore merited common courtesy. What would be said of the injurious disclosure of private letters in private life? The duke was writing a private letter, not to Mr. Frere, but to a private friend, freely

on the affairs of the army and government. This letter, ministers, through the most utter neglect, or to answer their own purposes, have not hesitated, by a violation of honour, to send to the printing-press. The duke writes to his friend, that Sir Arthur Wellesley had expressed his satisfaction with his conduct; that all the British staff were desirous that he should have the command; and that the same wish prevailed throughout the Spanish troops. Alava, it states, had written to Burgos, on the necessity of removing General Cuesta, and putting Blake, or Venegas, or himself at the head! Was there no delicacy in publishing a private letter like this? If ever this country should be able to resume negotiations, and again send a public minister abroad, what confidence could he expect to meet with, with the stigma of this transaction upon him? He might anticipate abhorrence, and to be pointed at as unsafe for intercourse, as one who would be sure to transmit correspondence, and every private letter; all which his government would lay before the parliament. Here he did not blame Mr. Frere. The flippancy of tone and manner in which he writes, he could not commend; but his diligence in collecting information he could not condemn. Consider the situation Cuesta and Albuquerque are placed in when they know of this communication; and every heart must recoil at placing them in that situation. In that letter it would be seen that Alava did not mention the duke's name publicly, lest he should fall under suspicion of undue partiality. What vote the house would come to he knew not, but he could not think any man had nerves to defend it. It was not only to birth that humanity and protection were owing; but three other names were brought forward at full length, to whom acts were imputed that would subject them to the implacable hatred of the French government, by whose hands, if they fell into them, they must pay the forfeit of their lives. He could not bring himself to point out these papers; the mischief might have been already done. Every body was treated alike by Mr. Frere and the king's ministers. General Equira, for instance, of whom he had heard no compromise, "they say, is a man of considerable military geographical knowledge, but with no character for decision, and unfit to command; a useful assistant to Cuesta, but not thought much of by him, and that he completed the ruin of his army at Me-

dellina, because he had received no orders from Cuesta." Of another person whom they had received here as ambassador, they put into print that Cevallos is of such a character as to represent him without common sense: it was impossible to drive him by argument out of a foolish fallacy. The noble lord, however, partook of that folly with Cevallos, for he thought he had the best of the argument alluded to. Such publications tended to shut us out of the continent more effectually than Bonaparte did. It tended to insulate us by disgracing our character. He then dwelt on the lamentable events which occurred in this dreadful contest; such as assassinations, and the slaughter of defenceless prisoners, which nothing could justify. However we might lament that the passions should be so worked up, retaliation ought to be clearly made out, before we published such accounts. Would they reconcile the people of this country to the loss of our own troops in these campaigns? They could only excite indignation against the cold recital of these acts, and the omission of the interference of the British minister, and of any orders to him to that effect. They were spoken of like the ordinary occurrences of war. He never saw a collection more unfit to publish in any shape. In the last session he saw suppressions and selections, it was true; but not to protect individuals in foreign lands, but to screen ministers themselves from the just and merited indignation of parliament; but when they entertained the vain and shallow hope, by a stigma on Spain, that they might ease their own conduct, no paper was withheld, even at the risk of incalculable private calamity, and the ruin of the national character. Were there any mode of getting back those papers, their lordships would gladly adopt it; but none such occurred. Another bundle was ordered: the constitution required of ministers to select and prepare it; but after what had passed, the house would make themselves parties to the act, if they did not put themselves in ministers' places, and prevent similar errors. He then moved for the appointment of a secret committee, to whom the papers concerning Spain and Portugal not yet delivered should be referred, to select and prepare them for the house.

Marquis Wellesley admitted the general principles of the noble lord respecting private communications; but it was a duty of great difficulty. Their lordships were to

recollect and consider at present what was the nature of the order under which ministers had acted, and how they had performed the duty assigned to them by the house. It had never been their object or intention to conceal any thing that could be disclosed without danger to the cause of the country or of Spain. Every man in the United Kingdom had appeared desirous of supporting the Spanish cause, and the re-establishment of their monarchy and independence, on the security of their future freedom, happiness, and prosperity. Under the important circumstances in which they had been called upon for the production of papers, they should not have been true to the great cause of Spain, if they had not produced those papers, to lay before the house that information of those matters which had chiefly produced the many disasters which had befallen Spain, and to shew the extremely weak and defective state of her government. With respect to the army, that was certainly a matter of considerable difficulty and delicacy; but their duty was there, as in the other case, to give the house all the information they could give with propriety. He challenged the noble lord to rise and say, that there was one word contained in those papers relative to Cuesta, which was not in consonance with the opinions of the whole Spanish army, and of every man in Spain that felt and avowed any attachment to the cause of that country. It was all matter of general publicity and notoriety, it was the common language of every body. Was it not also recorded that his removal was desired? It would appear, from the noble marquis's own dispatches, what was the state of the case. But since the proposition of the noble had been made, he trusted in God, that their lordships would not suffer him to be robbed of the opportunity of making publicly known what had been his own conduct in all its points during the time that he was in Spain and that they would not send them with the other papers to the proposed secret committee, should they think fit to accede to that proposition. Though he knew what the conduct of Cuesta had been when he arrived in Spain he did not feel it incumbent on him to demand that, which from the general opinion, and from every other circumstance, must speedily occur. The noble baron spoke as if Cuesta were still in command. If he thought so, he was greatly in error, after all his attention to Spanish affairs; for while

the noble marquis was in Spain, that general abdicated all his commands, to the universal satisfaction of all the Spaniards. He might be there yet; but not in any command since the period he had mentioned. So far they had done their duty in giving this information, considering that, in every man's view, Cuesta did injury to the whole cause. The noble lord spoke of the intrigues and discussions respecting the movements of the armies. Was it not essential to shew that the intrigues, and the weakness of the government, were the causes of all the calamities. The sentiments in Albuquerque's letter were what he had repeatedly and openly stated himself in Spain; and he (the noble marquis) would say it in the front of the noble Lord (Grenville) that he should receive the thanks of the Duke of Albuquerque, for his having publicly recorded those just pretensions of that illustrious person, which he had always warmly recommended. (*Hear, hear!*) Were there any doubts cast on those recommendations, he would say, let the safety of Cadiz, let the noble and gallant conduct of that illustrious person in marching his army for that purpose, tell his merits: he presented those papers, because he knew they would create no feeling in that illustrious person, but such as was in consistency with his noble and gallant mind. He wished to give the fullest information as to all the circumstances attending the army. (*Hear!*) The retaliation spoken of was publicly known at Seville, and the person proscribed by the French government. There was no danger to him in the case. The facts were told, and the whole transactions stated, with the names of the parties. The other names, alluded to by the noble lord, he supposed to be those of some commanders. The names of two of them had been repeatedly and publicly recorded in Spain. Publication of names, he begged to mention to the noble lord, was one of the greatest rewards conferred upon the patriots of Spain. (*Hear!*) He begged the noble lord would preserve his temper, and not suffer his understanding to be perverted upon these subjects. Then there was the governor of Avila, who was an officer employed, and placed there by the French. He sent a letter to Marshal Soult, and the courier by whom he sent it betrayed him, and sent the letter to Cuesta. The governor was no party to that transaction; but only the courier. Was the French governor compromised? The particulars of this

were published, while the noble marquis was at Seville. Why did the noble lord charge negligence, when he had thus neglected to inform himself as to the subject matter of these papers? No mischief could be likely to happen to those persons. On general principles, he readily admitted that it would be wrong, and beyond the duty of the government, to lay before parliament any particular details of the weakness of conduct and character of other governments, or the private characters and motives of individuals composing them. But when the lamentable weakness of the Spanish government had been the great cause of all their disasters, he hoped their lordships would spurn those invectives which were pronounced upon the conduct of ministers, in the discharge of a difficult but necessary duty. That weakness was the spring and source of all the subsequent difficulties, and produced those ruinous consequences which ensued. Did we pretend to be the friends of Spain and of her cause? Did we profess to assist her in the day of her calamity? And should we not state her real condition and the true causes of her misfortunes; and lay down, by that means, the foundation of a better policy in future for Spain, if her cause may yet be redeemed; and for England, too, (he would, at another time, enter into that question much more fully) for whom it might prove the auspicious cause of a better system of policy. (*Hear!*) Above all, he hoped that their lordships would reject the proposal of a secret committee; (*hear!*) but if they did agree to it, he implored them, though they should send all the other papers, not to send his dispatches there.

Earl Grey, notwithstanding the loud and triumphant tone of the noble marquis, rose to support the opinions of his noble friend, on the impropriety and unfeeling want of humanity in the disclosures contained in the papers; though he did not dispute the propriety of giving information in every view for their lordships' satisfaction, without compromising the safety of individuals. If it were necessary, in justice to individuals and the country, that they should be informed of the character of the generals and commanders of the army, ministers might have given that information without endangering the safety of persons. But these passages were different. Was that the case of Cuesta? He had heard the noble lord's opinion loudly proclaimed as that of the army, and he had

also stated that it did not affect him in that country now. The weakness and description of Cuesta's understanding had been dwelt upon; but how would that bear hereafter, in jurisdiction of those campaigns, which another opportunity would be afforded to the noble lord to enter upon? We had been told before of this Cuesta's army being much superior to any other Spanish army that had yet taken the field. We heard nothing then objectionable in his character. Nothing of that kind was heard till now. That night he was arraigned of all sorts of follies and faults, and of no less than treachery. The man was not present to speak for himself; but the sentence of condemnation was to be passed with all severity. The noble lord had called Cuesta's army the best disciplined army of Spain. (*Hear!*) Was it a slight merit in Cuesta to recruit and discipline that force? Recollect the circumstances of Spain after the dispersion of the two armies of Castanos and the Duke of Infantado; there was nothing left in the field; and yet this Cuesta collected the best army! Granting, however, that he was unfit to command, was it quite fair, now that he is removed, to make these heavy charges against him, and the same too against Venegas? The noble marquis says, Cuesta is not now in command. Granted; but it was known to him (Earl Grey) that Cuesta was then at Cales, and probably contributing to the defence of that important city, the last port of Spain. But after all that had happened in other parts of the country, who could say what might be the consequences of thus denouncing Cuesta? The noble lord had sufficiently defended himself against the charge of those (perhaps unfounded) accusations of Cuesta? He said, was it not material to know the Duke of Albuquerque's opinions? Perhaps not. If, indeed, the assertion generally of officers of rank in the Spanish service were stated, there was no necessity for the production of a private confidential letter. But might it not make some difference with respect to the Duke of Albuquerque, that though he loudly proclaimed his opinion, he was endeavouring secretly to obtain the command for himself? Might not that have a principal effect towards him? And what might not he be supposed to feel from it, upon general principles, when he saw the private letter exposed, and representing him as intriguing for command? Consider the possible consequences of this unad-

vised publication on the Duke of Albuquerque, on the minds of the people of Cales? Might it not be injurious not only to its interests, but also to our own interests there, as well as to the cause of Spain? The noble marquis disdained all reserve on other points, and he (Earl Grey) was now glad one paper had been produced, as we could thereby disclaim all share in a barbarous mode of warfare. Seven hundred French prisoners, it is stated very coolly, were thrown into the Minho. Possibly this was an act of retaliation; but a matter so horrid made it indispensable that we should have clearly shewn it to be a retaliation. If ministers thought fit to publish it, they should have told the circumstances. This was the first statement which France could lay hold of on such a subject. France might say, there is your document, and you are not able to show why the thing was done. The effect this might have on the war was obvious, on your own countrymen in prison, and on others in the Peninsula, whom the French may take. The French, though often highly censurable in the course of the war, yet we know that their army has retained many of the honourable feelings of old France. This they had shewn at an early period of the late war, when they refused to carry into execution the sanguinary decree for giving no quarter to prisoners of the English and Hanoverians. Lord Wellington, too, had told them how well they had treated our soldiers after the battle of Talavera. To advert, often to this recent attention to the laws of civilized war, which might give France a pretext for departing from this system, was most unwise. There was another case mentioned, of a French officer and some men applying to a Spaniard for concealment, in order to take a Spanish place by surprize; this person let them in, and assassinated them all. The noble lord insisted that there was one part of the information contained in these papers which it was unquestionably most rash and imprudent in his majesty's ministers to divulge, and that was a passage relative to the government of Avila; that passage, if translated into French, must shew that the governor of Avila had betrayed his trust; and if that should come to the knowledge of his master (Bonaparte) who was known to be so severe in his judgment, and so prompt and terrific in his punishment of those who disobey his commands, or were in his opinion faulty in their duty, and

negligent of the confidence reposed in them, it would be easy for the house to suppose what must be his fate, when, in consequence of the information given by the noble marquis and his colleagues, his conduct, as stated in these papers, should come to the knowledge of his austere master. Perhaps, in consequence of this information, his mandate might, at the moment of this debate, be travelling to Spain for the immediate execution of this unfortunate man, thus made a sacrifice by the eagerness of ministers to place their own conduct in the most favourable point of view, no matter who else might suffer by it. The noble lord had made a brilliant appeal to the house, and had expressed a wish that every word he had said, and every thing he had done during his residence in Spain, might be published to the world at large. This might be very well on his part, and he had no doubt but the noble marquis formed this wish from his own opinion at least, that such publication would tend to justify his conduct. At the same time, however, that he did this, it behoved him, when he was about to divulge and publish to the world what had passed between other persons and the British government, to be on his guard, and not promulgate any matters or circumstances on which the fate of others might be implicated, not only as to their characters, but even as to their lives. This had, in his opinion, been greatly neglected in many parts of the information given to the house and to the world, in the papers now before their lordships; and the house had no other mode of putting a stop to such proceedings in future but by agreeing to the motion of his noble friend. There was only one point more on which he would trouble their lordships on the present occasion. In a former debate the noble marquis had justified the conduct of Lord Wellington at Talavera, by stating that General Venegas had been stopped in his progress by an order from government, for which he (the noble marquis) could not account; but it had since turned out that General Venegas had been placed in a very disagreeable situation, and that the true cause of his not advancing was from the intelligence he had received, that Lord Wellington would not be able to proceed from want of provisions. With regard to the papers in question, ministers had, in his opinion, been guilty of a great crime in producing them; and the noble lord had thereby shewn himself totally insufficient to dis-

charge the duties of the important station he then filled. He would, therefore, most cordially support the motion of his noble friend.

The motion was then read from the woolsack, and negatived without a division.

HOUSE OF COMMONS.

FRIDAY, MARCH 30.

EXPEDITION TO THE SCHELDT.

Sir Thomas Turton then rose. After the long and able discussion which the question had received, it would be wasting the time and attention of the house, and would be the height of presumption in him to think that he could add to what had already been said. Before he proceeded to deliver his opinion on the motion and amendment before the house, it would be necessary for him to premise a few words. The opinion which he should find himself called on to express on the present question, he must extend to all his majesty's ministers without distinction. The deliberate judgment of his mind involved in the question now under consideration, all the persons composing his majesty's cabinet, and pronounced every person who gave his vote on the occasion answerable for the consequences of that vote. He esteemed it highly pernicious to lay it down that the noble lord late at the head of the war department was alone responsible. The question seemed to resolve itself into three parts:—1st, What were the objects of the expedition? 2nd, its execution; and 3d, the retention of Walcheren.—The first of these points naturally divided itself into two heads, 1st, so far as the objects were purely British, and secondly, how far the expedition could be supposed to produce a diversion in favour of Austria. The last of these, as being most easily disposed of, he should take first. Not only was this, from the first view of the thing, highly improbable, but the fact was completely contradicted by documents on the table. The right honourable gentleman, ex-secretary for foreign affairs, had contended that Austria viewed the invasion of Flushing in this light, and with the view of proving this moved for papers on this subject. These papers were now produced, and belied the assertion then made that such a measure was esteemed fatal, injuriously fatal to the French cause. It was remarkable that no date was given at t e time to this opinion, or request

of the Austrian government; but when the paper came to be produced, and the date to be looked at, it was discovered that the paper was dated in May 1809, and that the place to which the diversion was sought to be directed was the north of Germany. He believed the gallant general (Craufurd) was right, that the views of our allies were not always to be attended to in cases such as this. But it was said, a diversion might be made by the capture of Antwerp, as it would prove injurious to Napoleon. If an expedition had been sent which could have destroyed Antwerp, he agreed that then it might be an object, as it might induce him to send troops thither; but if this was the object it unquestionably could not succeed in the manner in which it had been planned. He (Sir T. Turton) did not approve of expeditions: but did the honourable general think if the wishes of Austria had been complied with, and a diversion had been made in the north of Germany, that he would have seen more killed and wounded in the list than now met the eye. How far, then, had the expedition to the Scheldt operated as a diversion in favour of Austria? Had ministers by that expedition driven a single man from the Danube? Had they thereby prevented one man from going there? So far the contrary, it was a fact, at the time the expedition took place, an armistice had been agreed to between France and Austria, and no diversion in favour of the latter power could be of any avail. What, then, was the case as to the other part of the question? and was the object commensurate with the risk to be run? On that ground, and on that alone, he wished to view it. The objects were the destruction of the arsenals at Antwerp, and of the basin at Flushing. The former of these they did not effect. But were the means which ministers employed equal to the end they had in view? Did they consult the persons most interested in the success of the expedition? They did, indeed, consult five general officers, all of whose opinions were, to a greater or smaller extent, adverse to the plan. All in this way, therefore, was risk. They took no opinion, however, from Earl Chatham, who was to have the chief command, nor from the second in command, Sir Eyre Coote. They were not at the trouble to ascertain whether those two officers carried along with them that soul and spirit—that confidence in their own powers, which were alone calculated to give effect to the expedition. A right honourable

gentleman (Mr. Rose) said, that all the object they had in view was Flushing. Did we not hear, however, from the right honourable secretary, that it was nothing at all; and that, if they had not calculated on the ships at Antwerp, they would not have undertaken the expedition. Another honourable gentleman (Mr. Fitzgerald) had told them that, at one time, he believed in the month of April, there were a fleet in the basin of Flushing. This was exactly what he (Sir T. Turton) complained of, that, out of an army, as given to us on paper, amounting to 105,000 men, and which cost 23 millions of money, we could not find 15,000 disposable men for an expedition of this kind, when it might have been of service. At the moment, however, when ministers were consulting Sir D. Dundas on this subject, the ships were actually 20 miles above Flushing. This was a sufficiently satisfactory answer, as to the importance of Flushing, it was then nothing but a place in which to bury our troops. Sir R. Strachan, too, objected to the measure in terms so strong, that it seemed astonishing ministers should not have thought of employing some other naval commander, who entertained greater hopes of success. Indeed it was impossible for any man who knew the country, not at once to be struck with the folly, and almost impracticability of the measure. It was only sufficient for a man to get up to the heights of Middleburg, and erect a signal there, to assemble from Bergen-op-zoom and the surrounding country 20,000 men, or any other number, in the course of a week. The first lord of the admiralty knew, from the opinion of Sir R. Strachan, that he could get none of the enemy's ships; and he was besides informed, that a whole squadron of pilots would be necessary. He agreed that he had made no preparation, that he had no pilots, but satisfied himself with informing Sir Richard that he would be able to get plenty. The papers on the table, however, gave the house to understand that *one* pilot only was found. Sir Home Popham, when asked his opinion, desires them, for God's sake, to be ready to sail before the 25th of June, and, above all things, to have a squadron of pilots. Yet, after all this, what does the noble lord do? He sends on this expedition 33 ships of the line, not before the 25th June, but on the 27th July; and instead of having a squadron of pilots, without any, and without the possibility of procuring any but *one*. When such an

expedition as this was sent, it was necessary to give the charge of it to a commander of high knowledge and skill. He (Sir T. Turton) did not mean to say that the noble lord on whom the command was bestowed wished to have it. But what was the opinion of the country of the military talents of that noble lord? He wished to say nothing of him disrespectful. In common with the country he owed him much. We owed to that noble lord the safety of the greater part of our army. But what pains had the noble lord taken to acquire information, or what information did he actually possess on the subject of the expedition. Of Antwerp he knew nothing. Of Lillo he knew no more than that there was such a place—he had heard of it. This expedition, then, from which so much was expected, sailed under a naval commander who had no hopes of it, and who was unwilling to go; and under a military commander who knew nothing of the matter, or of the strength or situation of the places he was called on to attack. Then what should be said to persons who forced forward such an expedition under such controul? The honourable baronet proceeded to shew the impracticability of the measure, and even that, if the gallant general (Craufurd) had been entrusted with the command, and had been equally successful in fighting the battles in reality, on the different scenes of action, as he had been in describing them in that house, even after all, he could have had no controul over the ships at Antwerp; which could have been carried farther up the river; and thus, had ministers succeeded to the utmost of their wishes, the ships, the principal object in view, would have escaped their seizure.

He now came to the question regarding the retention of Walcheren. It was argued as some merit in ministers, that they had withdrawn part of the army from that island. But, were they the less liable to censure, when they kept a single soul there? From the date of the first communication from Sir E. Coote, (9th September,) at which time there were 6000 sick on the island, it was incumbent on ministers to have withdrawn the whole force which remained there. In retaining it, after the opinions urged upon them to the contrary, they became solely responsible for the consequences. There could be no object whatever in their contemplation for such conduct. They pretended to be unwilling to lose what they called the national cha-

master, and to this idle chimera they were content to sacrifice daily the valuable lives of a number of their fellow subjects. The noble lord (Castlereagh) talked as if by this expedition he had achieved something great for the country, or for the common cause. That noble lord, unfortunately, was of that spirit which led him constantly to wish to embroil the country in expeditions, and if he could not, day after day, involve them in expedition after expedition, he saw that his situation could not be safe. Did ministers say so now? After this most unfortunate expedition—after this outrage on humanity, and all the nobler feelings of the heart—did they wish again to indulge in this spirit? The noble lord asked, would you restrain the martial spirit of the country, by recommending cool and calculating precaution? He would answer, that he was sure the ruler of France never experienced a happier day than that on which he saw the noble lord send such a body of men to perish on the island of Walcheren. "Notwithstanding I dislike continental expeditions," said Sir Thomas, "I should have rejoiced to have seen these 37,000 men sent to join Lord Wellington in Spain. Even after the capture at Antwerp was found impracticable, I should have rejoiced to have seen the whole army at once removed from Walcheren, and after being carried to Portugal, to be refreshed, then to be sent to join Lord Wellington in Spain, and in either of these events I entertain little doubt, that, at that time, they would have been able to clear the Peninsula." This was an expedition in which England alone was interested. If it had succeeded to the utmost extent, not a single advantage could have been derived from it to Austria. Even to England the chances were all unfavourable. The calculations of success were few—the risks were great and many. He would put it to any twelve discerning men, and leave them to decide, if, with such an end in view, it was possible to think that a man could be found hardy enough to risk an army in such an expedition? The right honourable gentlemen opposite were now on their trial, and he called on them, agreeably to the uniform and established practice, when members, to go out of the house after they had made their defence. For them to vote on this occasion would be contrary to the principles of justice. On this ground he was astonished to hear the right honourable gentleman (Mr. Canning) say, that he should give his

vote in favour of the amendment. Did the right honourable gentleman not know that he himself was here a party accused? What would he think of a man who, being under trial for a theft, should jump into the jury-box, and say, let me vote, and then you will find me not guilty. Gentlemen might think he put an extreme case, but he submitted it was exactly in point. Gentlemen were not entitled, without violating every principle of justice, to vote in a case where they themselves were the parties accused. Let them leave the question, if they wished to stand exculpated in the eyes of the country, to the decision of those around them; and let them not say, "I vote myself innocent." He put it to the right honourable gentlemen, that they were called on to go out. (*A laugh.*) The right honourable gentlemen laughed. He knew what that laugh meant. It was as much as to ask, if he (Sir T. Turton) were in a similar situation, would he do so? He answered, upon his conscience, undoubtedly he would. He begged of the house not to consider the vote of this night as merely a censure on ministers, but to hold it in higher consideration. He conceived it in a higher point of view. He was for the *fortiter in re suaviter in modo*. He meant that, at least, the country should be satisfied that the house entertained a higher view of the subject, and that they would not suffer the blood and treasure of the country to be so lavishly, unprofitably, and unnecessarily squandered. If ministers were not to be checked in such schemes as that now under consideration, adieu to every parliamentary check; adieu to all controul over the servants of the crown. There was another thing which it was incumbent on the house to recollect. All this was done at a period when there was a disunion among ministers. If there had been any thing like union among them, it was to be expected that they would not so shamefully have neglected the suggestions and intreaties of Sir E. Coote. Probably they were then waiting for the coming of that eastern star, whom they expected to illumine and enlighten their dark councils. This, too, it was possible, had occasioned them to keep back the warm cloathing of the troops, and not even to send it till two urgent applications were made that it might be sent out. He wished, for the good of his country, that the very idea of expeditions was extirpated. (*Hear, hear! from the ministerial bench.*) Was the noble lord, or the right

honourable gentleman not yet satisfied? Did they militate any new expedition, which probably to-morrow's paper might announce? (*Hear, hear!*) If they did so, this furnished an additional ground for the removal of ministers. (*Hear, hear! from the ministerial bench.*)—"Then my firm mind is," said Sir Thomas, "that the happiness of the country depends on their removal."

Mr. Canning explained, that it was not he who moved for the paper alluded to by the honourable baronet, as explanatory of the wishes of Austria; nor did he vindicate the expedition on that ground of continental diversion.

General Loftus vindicated the policy of the expedition, which was rendered peculiarly necessary from the relative situation of Europe at the time. Bonaparte had been obliged at that moment to be on his arms, waiting for reinforcements from France, Holland, and every other state which had become subservient to him. If ever there was a time in which the country was bound to make such an effort, that was the period. We were bound to look to the preparations making by France for the destruction of this country. To look to France, in possession of the continent; to our own narrow seas; to Holland, no longer one of the outposts of this country, but now also become subject to France; and then to say, if, in such a state of things, ministers were not only justifiable, but even bound to make an attempt of this kind? Our great and main object at this moment was the command of our narrow seas, which he hoped would be always kept in view. There was, he contended, no impediment to the success of the late expedition, except the winds and the weather. That the enemy was not in great force at Antwerp was apparent, else they would not have allowed us to take possession of Batz, one of its great avenues. The honourable general proceeded to point out instances in which, to save the towns, and at the request of the inhabitants, both Antwerp and Ostend had been surrendered to the armies under the Duke of Marlborough and Prince Eugene, and concluded by giving his support to the amendment.

Sir Francis Burdett was very much surprized at the doctrine which he had heard, that because it was an object of vital importance to destroy Antwerp, we should therefore have undertaken it with means inadequate to its execution. He had thought, that, in proportion to the importance of the object, ought to be the means employed. Sur-

prised as he was at this, however, he confessed his astonishment was increased in a tenfold degree at the cool indifference with which the noble lord opposite had affected to argue on calamities which had been derived to the country from his auspices—calamities more disastrous, more disgraceful, and more dreadful than had arisen from any other expedition in the history of the war down to the present period. The noble lord had expressed a wish to have this expedition tried by the fact. In his opinion, that was precisely the ordeal by which, in order to suit the interest of the noble lord, it ought not to be tried; because there was not one single fact which did not militate directly against its adoption. The right honourable gentleman opposite had, on last night, entered into a long and laboured defence of the expedition; and, in order to distract the mind of the house from the only point to which it should be directed, he took a survey of the situation of the whole world; and argued that an expedition ought to have been sent somewhere. He had stated that it could not be sent to the north, or to Germany, or to Trieste, without considerable danger; danger, indeed, of total failure. He had even, in his fancied speculations, talked of treading the Straits of Gibraltar, and prophesied great danger from such an attempt. He was not disposed to deny that every one of those expeditions might have been abortive and ill-advised in the adoption, but he would deny that any one of them could have met with more complete failure, or more calamitous consequence, than did the one which was acted on. (*Hear, hear!*) Neither the menaced Prussian army, nor the Straits of Gibraltar, nor the Mediterranean Sea, could be more frightfully fatal than the mandate which sent our brave and patient troops to fall before an invincible enemy, the plague, in the marshes of Walcheren. Ministers, however, did not think so; they determined to send out an expedition, and out they sent one, without having obtained one particle of information as to how it should proceed, or taking one single precaution against the many perils which impeded their progress. In March last, the noble lord conceived the idea of this campaign; he thought he had a disposable force, and since he had it he was determined to waste it; and so he sent to the commander-in-chief for his opinion on the subject. The commander-in-chief sent back for answer, that he could not spare 16,000 men for the pur-

pose! Sixteen thousand men out of the enormous establishment paid for by the country! The expedition could not, therefore, sail in March. No; necessity, and the prudence of the ministry prevented it. The fever was not then to be met with, and the ships might then have been taken; and so the expedition was deferred until the raging of the disease, and the safety of the armament. In July then they set out to carry the fever, Antwerp, and the fleet, by a coup-de-main—(*Hear!*)—a coup-de-main! and yet it appeared, by the orders of the French emperor to his officers, that he was apprized of the intention even so far back as March. If he had not this certainty, such were the cabals and vacillation of the ministry, that he would not believe they had themselves conceived the project at that period. He could not help now making one inference, however, from our poverty of force in March last; which was, that the house and the country had been most grossly deceived in the estimate of our loss during the preceding campaign in Spain, which had been laid before them by ministers. If this estimate had been true, it was impossible that we should not have had forces enough to send the expedition to Walcheren; but the estimate was not true. We had lost much more than the ministers chose to disclose, and the country was duped into an opinion that its situation was more prosperous than it was. (*Hear, hear!*) At length, however, the noble lord undertook the expedition with what disposable force he could muster, against the great skill of the French emperor, and the great power of France, which was now, in effect, all Europe. The noble lord, however, wrote a most curious letter to the commander-in-chief, pointing out the advantages of the expedition, and declaring, if it was not then undertaken, that Antwerp would soon be impregnable. After this, what did he do? Why, commenced this important expedition without one single iota of information! He sent out an immense armament, merely to see whether a blow might not be somewhere struck against the enemy. The noble lord dispatched the expedition at last without information on which to proceed, without a plan to guide it, or the supposed opposition of any danger, until it reached Batz, where all its operations terminated! From the departure of the expedition, till its arrival at Batz, there was not one step which did not demand inquiry. It was sent out without an idea of danger till it came

to Bats, and yet at that very place did this great army, conducted by greater folly, end its catalogue of disease and disasters by an announced failure. (*Hear, hear!*) To send out this expedition, however, the noble lord was determined, because he considered that there was a fit disposable force in the country; a supposition taken up in direct opposition to every military opinion he had asked. The noble lord was like the poor man in Horace, who could not be persuaded that all the wealth in the country did not belong to him. The indifference of the noble lord was now detestable; the calamities which he entailed on the country were horrible, frightful beyond expression, and the levity with which he treated the subject now truly dreadful. The noble lord had an idea, that because Antwerp was at the moment without troops, he might take it at once without difficulty. This was a most fallacious idea. There was not, most probably, at this moment, a perfect garrison, either at Toulon or Brest; and yet what man in his senses could conceive the notion of taking either by a coup-de-main! If these things were to be persisted in—if the forces of the country were to be thus unnecessarily and unprofitably squandered, it was impossible not to foresee how it would end. The noble lord had, however, thought proper to take some opinions as to the possibility of taking Antwerp by a coup-de-main. He asked the opinion of the commander-in-chief; he knew nothing at all about the matter, but he referred to four general officers, and they, indeed, produced documents in reply, full of official form, full of affected science, assumed pomp, and perfect inanity. All of them said, if you do so and so you may succeed; yet all agree upon the idea of a coup-de-main upon Antwerp being absurd. General Brownrigg proposes two places of campaign; there were some slight objections to both; the one was impossible, and the other impracticable. The attempt by Ostend was out of the question; and the other plan, even putting the fever aside, very doubtful of success. In such a situation was the military part of the expedition sent out; the same miserable deficiency in means, plan, and information, attended the navy;—the noble lord at the head of the admiralty knew nothing at all—he was quite ignorant on every subject on which he should be informed; so was Sir R. Strachan; he told Lord Mulgrave so, but Lord Mulgrave was not to be persuaded

even by fact. "No," said he, "you certainly do know nothing, but that is the reason I have great confidence in you." Thus went forth this disastrous expedition, to diminish the honour of our army, and destroy the best hopes of England. (*Hear, hear!*) In fifteen days, it was calculated we might have reached Antwerp by Ostend; this was too dilatory for a coup-de-main, and was abandoned; the other plan of landing in Walcheren was adopted, and even before we got to Batz the fifteen days were exhausted. (*Hear, hear!*) But still the ministers and the commanders were delighted—mutual compliments passed between them—it was the most good-natured expedition he ever heard of. The ministers praised Chatham for his vigour, and he praised the ministers for their preparations; and so he went on gaining laurels and battles, carrying towns which were never heard of before, by a coup-de-main, and bearing down every thing before him, for the very best of reasons, because he was not opposed, until at last a wet ditch at Middleburg arrested his progress, and ended his achievements. (*Hear, hear!*) As to the navy, the occupation of Cadsand had been stated as an indispensable preliminary, and there, accordingly, the Marquis of Huntley proceeded; but when he arrived, the whole fleet of England could not furnish him with boats to land his soldiers, and so the indispensable object was relinquished. (*Hear, hear!*) Some persons, it was true, had said, that this failure was not attributable to the want of boats; but the Marquis of Huntley gave a different opinion, and that was all the answer which he could give to the objection. Two letters were written on the subject, one from the Admiral, and the other from Captain Owen; one of those said, the weather was very fine, and the other said it was very bad; one said there were plenty of boats, and the other said there were none; and in this pleasing state of uncertainty, which he would not seek to obviate, rested the question. At last, however, after many doubts, and failures, and disasters, the batteries were opened upon Flushing, but at such a distance that they could not even silence a little advanced battery before the town. The town, however, was taken, and the dreadful bombardment succeeded. Thus it was with ruin in our acts, and hypocrisy in our promises, we attempted to conciliate the people whom we affected to compassionate under the iron despotism of Bonaparte.

We destroyed their habitations; we desolated their land, and we then told them we came for their preservation! Inhuman in our prosperity towards the natives, the ague attacked us, and then our minds changed; we became suddenly humane to all, except to our own poor soldiers, whom, lest we should offend the island, we left in their sickness to perish, without a dry spot whereon to lie, or a roof to protect them! This humanity was perfectly consistent with our management all through. For instance, Sir Home Popham was the only person, except the pilot of the fleet, who was supposed to know the navigation of the Scheldt. To him was entrusted then the conduct of the fleet up to Batz. What did he do? Why, he attempted to go by the West Scheldt, until, by his failure, he found out he ought to have tried the East Scheldt. Thus this best-informed man in the fleet took the course the most contrary to his interest. The gallant captain next went through the Veer Gat, and Lord Chatham seemed to think, because this had been accomplished, that the enemy must be totally discomfited. All they had to depend on was the utter impossibility of this passage! Sir Home was next sent to ascertain the passage to South Beveland, and he proceeded to the *north*. He might just as well have set out from that house for Kensington over Westminster-bridge! (*Hear*, *hear*!) On the 24th, at last, up they got to Batz, and then they came to a stop. Sir R. Strachan, taking advantage of the pause, ventured to hint that it would be *convenient* to know *upon what plan* the conjoint expedition meant to proceed. A council of war was called—they had now come to the grand point from which in future all their operations were to proceed. What did they do?—*They set off home.* (*Hear*, *hear!*) Thus ended an expedition which was undertaken by ignorance, and executed by imbecility—an expedition which wasted the treasure of the country, the lives of our troops, and the honour of our name—an expedition planned by ignorance, and impudence the most unparalleled. Many might censure him for unnecessary warmth, but he could not help feeling, nor could he find expression strong enough for that feeling: he thought sincerely, that every man who had any concern whatever in this expedition, stood as a criminal before the country. (*Hear*, *hear!*) The ministers were presumptuous, and the officers in both services ignorant;

and nothing less than the impeachment of the one, and a court-martial on the others, could, or ought to satisfy the country. In all their proceedings there was a marked disregard for their country, and a cautious concern merely for their own interests. From the beginning to the end they were all the same; all ignorant, presumptuous, and imbecile. As to the commander-in-chief, he could not help saying that the result of the inspection of the papers on the table was merely wonder how any man, with the feelings of a gentleman, could act as he did; how any man possessed of such conscious imbecility, could retain his situation. The noble lord was very anxious to separate the question of the medical board from that of the merits of the expedition. This he could not do; it excited in him the instant recollection of the brave men who fell victims to the disease. The noble lord betrayed, indeed, through all his speech, a callous insensibility to the miseries he had caused, truly shocking; he sported with the deaths which he had occasioned, and even presumed to persuade the country that its calamities were honours! He dared to compare himself to Chatham, Nelson, St. Vincent, and those brave heroes who had directed our arms to constant and imperishable glory. He was amazed how he dared to mention the names of those great men on such an occasion. (*Hear, hear!*) Why, this dreadful expedition had cost the country, on a serious calculation which he had made, three times as many lives as all the glorious naval victories which we had gained since the commencement of the war! (*Hear, hear!*) This was the expedition of which the noble lord had affected to speak so indifferently. He spoke of it, indeed, just as a girl of thirteen would of a puppy dog. He wanted language to express his indignation at such conduct. The right honourable gentleman had indeed spoken more feelingly on the subject, but he had used some arguments which shocked and astonished him. He seemed to speak as if he had found a shield for all his disgraces in extrinsic causes, and even ventured to impute the successes of the enemy to the despotism by which they were governed! What! did he mean to impute our losses to the freedom of our constitution? It was a monstrous doctrine refuted by all history, and melancholy indeed when it was considered that it came from a man who had held the reigns of government so long, and who was so likely to resume

them. Machiavel, a finished politician, had declared that the greatness of the Roman people was founded on their freedom. They had indeed flourished, and they had so flourished by opposing despotism with the arms of liberty. So did Athens—her eloquence, and her free zeal, resisted numbers with success. If such a principle had been the principle of the right honourable gentleman's action, then indeed all our calamities were explained. He should now vote heartily for the resolutions, and the only repugnance which he felt was, at their not going to an impeachment and court-martial. When he said this, however, he declared he saw no good to the country from the dismissal of ministers, unless it was followed by a total change of measures—(*Hear, hear, hear!*)—If we wished to be rescued from our present perilous situation, we must have reform—reform which would revive and re-establish the ancient fundamental principles of our constitution. Unless this was obtained, neither himself nor the country would be satisfied. From the folly of not demanding this arose all our calamities. From it arose this expedition—this child of corruption, expiring by its own inherent imbecility. All their calamities, all their disgraces were derived from the want of a fair and equal representation. To that, and that alone, the people ought to look; it would be folly to expect relief from any other cause. If this was obtained, they would no longer see ministerial weakness working an abandoned prostitution. This was their only avenue of escape from ruin, imminent ruin. For himself, he cared not, if that ruin was to come, whether it came in the shape of a rotten borough, or an open iron despotism. The present immediate question he should now decline; he did not wish to think of it; he could not with any temper speak of it. In private life, if he saw the catastrophe of men, so brave, so patient, so martyred, he could call it nothing else than cool, deliberate, atrocious murder. (*Hear, hear, hear!*) Though ministers, within twelve hours' sail of Walcheren, might have had every information, they would not deign to seek it, but sent their soldiers unheedingly to their grave. They now called for vengeance—the honour of the house was pledged to give it; and, for himself he would say nothing but instant impeachment and court-martial should satisfy the nation for the cruel effusion of their army's blood.

Mr. Bathurst, in allusion to what had fallen from the

honourable baronet relative to the energies of the ancient commonwealth, begged to remind him that these energies were first impaired by the exertions of factious leaders of the populace, who, having destroyed the aristocracy, ultimately established the succession of a military despotism. There were many points introduced in the justification of the noble lord (Castlereagh) which he could by no means admit. He could not acquiesce in the argument, that because, upon general views of policy, our allies ought to be supported, and that there was at the moment a large disposable force, therefore the country was to engage in expeditions which put to hazard some of its most vital interests; much less could he admit the doctrine, that because there was no immediate part upon the continent in which a British army could have come in contact with Austria, therefore we were bound to send an expedition to another point, where the danger and the difficulties were such as to render the object either as a diversion for our allies, or for the accomplishment of a national benefit, almost wholly impracticable. He could not recognize any claims of policy or justice which made it imperative upon any country to engage in asssistance to any ally where the prospect of success to the power to be supported was equivocal and precarious, but the injury to yourself certain and extensive. In appreciating the propriety of the principle by which they were called upon to make a diversion in favour of an ally, his majesty's ministers were bound to consider, first, the extent of the assistance which the country was able to afford; and, next, the nature of the risks to which such an effort was exposed. Having said thus much upon the general principle by which the policy of that country ought to be actuated, he had now to apply himself to the particular merits of the expedition to the Scheldt. In considering that transaction it was a matter of regret that it became the duty of that house to discuss operations with which, from the habits and pursuits of many of its members, they could not be supposed to be very conversant. But it being the province of ministers to advise and direct military expeditions, it of course became the duty of that house to watch over the manner in which their arrangements were carried into effect. That was a duty, however difficult in the practice, which the constitution demanded from that house. It was in his opinion no argu-

ment to say, that because upon a former occasion it was deemed expedient to effect the conquest of Flushing with a certain force, therefore the mere acquisition of that place by an armament, under different circumstances, and which had failed in the great object of its equipment, was a justification of the policy which led to the expedition. It was to be recollected that the proposition of Lord Nelson did not embrace any thing beyond the capture of Flushing, which he considered might have been taken by 5000 men, while the expedition planned by his majesty's ministers was one of a great and extensive nature, embracing many objects, to which the possession of Flushing was but auxiliary, but in all which objects this extensive enterprize totally failed. That expedition was not only the greatest that ever left this country, but it had also this remarkable peculiarity, that there was not one naval or military officer who had given their sanction to the project. But then it was concluded by the noble lord, that the house of commons had no right to discuss the plan, upon the ground that the ulterior object of the arrangement was not attempted to be put into execution. He has assumed to limit the whole combination of the arrangement within a certain point, and then contended that the only question for the house to consider, was the nature of the impediments which opposed and prevented its accomplishment. Surely such a course was not calculated to bring the subject fully into view, in order to ascertain, first, whether the policy was right—next, whether the arrangement was proper; and lastly, to discuss the obstructions which contravened the object. The honourable member then proceeded, from various parts of the evidence, to prove that no adequate provision was made to obtain possession of the banks of the Scheldt, so as to enable the fleet to proceed up towards Antwerp, a circumstance which rendered the enterprize abortive from its very commencement. With respect to the argument of the right honourable gentleman (Mr. Canning), relative to the dreadful sickness which affected our army, he (Mr. Bathurst) could not admit its application to the present question. It was most true, that there were cases where the prevalence of contagion in a possession would never influence the government to think of abandoning such possession. It was so with our West India islands, and sometimes with Gibraltar.

Still its application to this expedition could not be admitted, because no analogy existed. There was a vast distinction between that policy, which should induce a government to retain, even under all the disadvantages of great mortality, situations long in our possession, with which many interests were connected, and the conquest of a new place equally contagious, but particularly if that conquest was made at the very period when such contagion became most malignant. (*Hear, hear!*) In deciding upon the present question, it was his duty only to ask whether the enterprize of the ministers could be justified; and if no such satisfactory justification could be offered, was it not the duty of that house to censure and condemn. He had nothing to do with any ulterior measure, but he did think that the house would abdicate all its functions, if, disregarding the general voice of the country, it could be warped by any consideration, from giving to that calamitous failure its appropriate character, and from pronouncing its censure upon the conduct of those who advised it.

Mr. Peel, observed, that it was his intention shortly to state the general grounds upon which he was induced to support the amendment of the honourable general (Craufurd) in preference to the riggrous resolutions submitted by the noble lord (Porchester). His first reason for that preference was, that he found it established by the evidence upon the table, that his majesty's ministers had determined upon that armament with the nearest prospect of success. The right honourable gentleman (Mr. Bathurst) had argued, that ministers were no justified to risk such dangers as that expedition was exposed to, merely because the country, at that moment, had at its command a very large disposable force. That the safety of such a force should not be committed, but for objects likely to be effected, and with advantages commensurate to the hazard, he, (Mr. Peel) admitted the political axiom, but denied its application. These were objects, which to him, were of the most commanding importance. Was it necessary for him to refer that house to the increased and increasing marine of France? Was it necessary for him to dilate in that assembly upon the facility which the ports and arsenals in the Scheldt afforded for the consolidation of the naval power? But, though his majesty's government

could not suffer such a danger to the security of this country to escape their contemplation; was there not something in the period at which this expedition was determined on, which must of itself convince them that the moment had then arrived for combining with our own security a most powerful effort for the general interest of Europe? What, he would ask, would have been the decision of the country, if it had seen its government sunk in a cold and torpid inactivity at that period when the storm was gathering in Germany; when Austria was determined to make one bold effort to resist the unprincipled exactions of the enemy of her independence? In such a state of things was Great Britain to continue regardless because she was not a sufferer—to be indifferent because she was safe? Having then decided to co-operate with Austria, where did true policy point at as the theatre for our exertions? France we knew wished to regenerate her naval greatness, and nature, combined with art, had fitted out the Scheldt as the most formidable position for extending her maritime power. Whether they looked to security from invasion, or to the protection of our commerce, ministers must have felt the necessity of making an attempt upon those sources of our annoyancer. Could they have shut their eyes to a danger that was so palpable? Could they say that the cause of our apprehension was remote, or that its extent was exaggerated? Suppose that very danger realized; suppose this house now sitting in judgment upon the ministers who would have so sacrificed the interests of their country, and disregarded the duties they owed their sovereign? With what justice, with what indignation, would the right honourable gentleman (Mr. Whitbread), who, with such zeal and talents, talents which he (Mr. Peel) would not presume to depreciate by the humble tribute of his panegyric, concluded the debate of last night, call them to answer for such a manifest dereliction of their public trust? Would he be satisfied with their defence or their extenuation, because they answered that Lillo and Leifkenshoek were in a state of preparation and defence; or that the difficulties in the execution of the task had deterred them from the necessary experiment? If the house was prepared to give its sanction to such doctrine, if this tame and spiritless calculation of the risk became the criterion of national enterprize, then at once let it obliterate from the proud pages of its history,

the memory and mention of all its heroic deeds. (*Hear, hear!*) Then, if in the beginning of the Austrian struggle, the right honourable gentleman admitted this country should attend to the precepts of our ally, upon what principle was it that it should refuse to listen to her at the moment of her depression, when, though her spirit was impaired, it still was not subdued? In her vacillation between peace and war, when it was in evidence that she desired the retention of Walcheren, could his majesty's government be justified in removing the only fulcrum upon which she rested for support? Sensible of the calamities our army was suffering, and regretting it as sincerely as any man in the empire, yet could it be supposed, that any motive but that of the most commanding and positive importance would have induced his majesty's government to defer the evacuation of Walcheren? The honourable member concluded with expressing his determination to support the amendment.

The Chancellor of the Exchequer felt that, notwithstanding the exhausted state of the discussion, of the house, and of himself, he was bound to submit his opinion upon the subject. Although he could not hope to command attention upon a question so ably canvassed already, yet it was due to the question, to the house, and to himself, that he should not allow the debate to conclude without offering his sentiments. The house had heard much of the tragic consequences of the measure under consideration, and they had witnessed a conversion of the tragedy into comedy, by the manner in which some gentlemen on the other side had observed upon it; but in point of argument, he never recollected an occasion in which less was called into action. Of argument, indeed, he felt that there never was a case in which opponents had presented less to answer, or friends left less to supply. Yet he did think it necessary to take some part in the debate, and he conceived it fortunate that it fell to his lot to follow a right honourable gentleman of the late administration, although it was by no means his intention to follow him literally in his course, as usual, of taking the farthest way about as the nearest way home. But there were some remarks from that right honourable gentleman which he should take leave to answer. That right honourable gentleman had

said, that the late expedition was of such a character that even success could not justify it. Why it was a little consolatory to think that in such a sentiment the right hon. gentleman enjoyed his characteristic singularity, and he was quite persuaded that had the expedition been successful, the right honourable gentleman would have stood completely alone in any opposition which he might have thought proper to make to its policy. But as to the right honourable gentleman's idea that the object of the expedition was to catch at any popularity, by the acquisition of a few ships, he assured the right honourable gentleman that he was quite mistaken. Those alone could attend to the idea, who were not aware of the important ends which this expedition had in view. Unfortunately those ends were not obtained, and the expedition had failed. But did it become the right honourable gentleman to attach the character of incapacity to an administration, because its expeditions had failed—For surely, if such a criterion were established, the right honourable gentleman and his colleagues could not stand very high in public estimation, while the expedition to the Dardanelles and to Buenos Ayres were at all in our recollection. (*A cry of hear, hear! from the opposition benches.*) The right honourable gentleman submitted that it was fair in him to refer to these events, because gentlemen, in a case of this nature, were to consider comparative merits. (*No, no, from the opposition benches.*) But he contended *yes, yes*! for comparison was the fair rule of judgment. If parties were to change sides, he would ask, what could be the pretensions to wisdom or common prudence on the part of those who undertook the expedition to the Dardanelles, which could not be accounted for upon any consideration of policy, either national or general; or what right had such men to find fault with those who planned the expedition to the Scheldt, which had in view both a national and general object? But it was said that these objects were attainable, nay, that it was chimerical to calculate upon their attainment. Before, however, the house concluded upon this assertion, he hoped they would look to the authorities which spoke against it. They had the authorities of General Brownrigg, and of his highly-respected friend near him also (General Craufurd), that the object of the expedition was attainable; and they had the authorities of Lord Nelson, Sir Home Popham, and

Commodore Owen, as to the value of that object. In fact, the occupation of Walcheren, and the destruction of the great naval arsenals of the enemy in the Scheldt, had been deemed of so much importance by various administrations, that that alone formed a sufficient justification for the expense and risk attendant upon the undertaking of the measure under discussion. It was not with a view merely to the destruction of the ten or eleven sail of the line actually afloat in the Scheldt, that the expedition was undertaken, but in order to destroy that arsenal which furnished facilities for the preparation of a formidable fleet, in a quarter most dangerous to the safety of this country. But, independently of all solicitude for our own interests, the Scheldt was, he maintained, the best point that, under all the circumstances of the case, could be selected for the common purpose of our allies. It had been said, that our army would have been better disposed of if sent to Spain. But he begged gentlemen to consider how unwise it would have turned out to send an additional force to Lord Wellington, who found it so difficult to provide any supply for even the force which he had. In fact, any additional force, in his circumstances, instead of being serviceable, would have rather increased his embarrassments. There was, however, another reason why an army could not have been sent to any of the points which gentlemen on the other side recommended, and that was the inadequacy of our means, as appeared from the papers on the table, to defray the expenses of any lengthened service. In fact, the country could not afford it, and no other choice remained, than to take the direction objected to, and in which, unfortunately, our efforts had been so unavailing. But, let it be considered, that although we could atchieve nothing in the way of a diversion in favour of Austria, which was one of the objects of the expedition, yet that, from the state of the war, a diversion was created in favour of the other object of that expedition, our own national object being rendered more attainable by the occupation which Austria gave to the troops of the enemy. This he observed, merely to shew that existing circumstances were not so unfavourable to the expedition, as the gentlemen so earnestly contended. That this latter object was practicable, was, he maintained, apparent from the evidence, and that the means were sufficient, could not, he thought, be ques-

tioned. Government did not, however, undertake the expedition without a conception that it would be attended with risks and losses, but they never calculated upon it as a last stake. They were prepared for all the hazards of war, but they certainly did not expect the ravages of disease; and the former, he had no doubt, would have been completely overcome, if it were not for the progress of the latter. When gentlemen dwelt so much upon the great disasters of this expedition, he would beg it to be recollected, that no military failure had occurred in the whole course of it—that, in fact, nothing had take place which could be said to redound to the discredit of the country. But the tone in which all the gentlemen on the other side spoke of this event, betrayed the character of their opposition. A right hon. gentleman had said, that wind and weather formed part of the plan; but he must be allowed to say, that wind and weather formed part of the failure, of which they were a great cause. He was aware that an honourable officer in his eye (Sir Home Popham), had communicated his opinion, that unless the expedition sailed within a certain period, adverse winds must be expected—that it was to be remembered, that, according to the evidence of Admirals Strachan and Keates, the weather was unusually unfavourable, and to that state was attributable the difficulty of our debarkation. Why then, to this circumstance, which occasioned such derangement and delay in the conduct of the expedition, ministers could not be pronounced any party. But it was said, had ministers had no naval authority for the practicability of their project. That, however, could not be maintained by any of those who took the trouble of looking at the minutes of the admiralty. But the military opinions were urged against us. Let it, however, be observed, that the opinion of Colonel Gordon, for instance, which had been so much dwelt upon, referred only to the danger to which our army would be exposed on its retreat. Now, it was calculated, that our army would reach Batz on the 3d of August, and it appeared, that so late as the 11th, the enemy had but 26,000 altogether in Antwerp, Bergen-op-Zoom, Cadsand, and all the adjoining country. What then had our troops to apprehend in their retreat from Antwerp, had their object been accomplished within the time in the manner expected? As to the doubt expressed by his right honourable friend (Mr. Bathurst) re-

specting the plan intended to be pursued, he referred him to the evidence of Sir Home Popham and Lord Castlereagh, from which it appeared that the resolution was to go on to Batz, as soon as a footing was secured in Walcheren. That the fleet had not at once gone up the Scheldt, was owing to the same cause which prevented the landing of our force at Cadsand on the 30th of August, namely, the state of the weather. If it were not for these impediments, for which it could not surely be meant to make ministers responsible, he maintained that our fleet and army would have reached Batz as soon as Sir John Hope; namely, by the 3d of August, and, if so, they could have arrived before Antwerp by the 4th and 5th, when it was clear from the evidence there was no adequate force there for its defence. The failure, then, of this great object was ascribable to causes over which ministers had no controul, which indeed they could not reasonably apprehend. Therefore instead of the observation from the other side, that all circumstances were required to be favourable, in order to insure the arrival of our force in due time at Bathz, he would maintain that unfavourable circumstances alone prevented their arrival—any candid man who followed the evidence, would, he was persuaded, admit that if our force had reached Antwerp by the 4th or 5th of August, no army would have been formed there to resist the national object of the expedition. This, however, was an admission which he did not expect from the gentlemen on the other side of the house. Those gentlemen on this occasion were seeking their own object. They were anxious to get into the places occupied by himself and his colleagues. No doubt, they thought it for the benefit of the country to do so, and he gave them credit for their sincerity. Now, he begged to take credit for equal sincerity, in thinking it for the benefit of the country to keep them out. (*Hear, hear! on the opposition benches.*) Was he to infer from that cheer that his sincerity was questioned? If so, there was a want of reciprocity, and those gentlemen were not willing to allow to others that credit which they claimed to themselves. But what, he would beg the house to reflect, did those gentlemen look for by the resolutions under discussion?—they looked for the punishment of an administration which had sought a practicable object by competent means, because that object had failed through causes against which it was impossible for any administration to provide. But, he

trusted the house would, by the adoption of the amendment, which contained a fair character of this proceeding, disconcert the prospects of those gentlemen. With regard to the reflections thrown out against the expedition to Copenhagen, grounded upon the statement, that we had in consequence of that expedition, to contend against Danish sailors in the Scheldt, he requested gentlemen to reflect, that if it were not for the expedition complained of, we should have had not only Danish sailors, but a Danish fleet to oppose us upon this occasion. Now, as to the retention of the island of Walcheren, which had given rise to so much complaint, he hoped no doubt could exist that any degree of calamity, occasioned by that proceeding, excited as deep regret among those who thought it their duty to recommend the measure, as among those who so loudly declaimed upon the subject. He could not believe that the feelings of the one were less tender and compassionate than those of the other, or of any set of men whatever; and any degree of affliction occasioned by what he and his colleagues conceived an imperious duty, was to them, he could assure the house, a sense of pain. But he would submit to the consideration of the house and the country what course remained for them to pursue in the difficult situation in which they were placed. His right honourable friend (Mr. Bathurst) had asserted that Walcheren ought to have been evacuated as soon as the object of the expedition against Antwerp was found unattainable. But he thought quite the contrary, and upon that opinion he acted; for, failing in our object to capture the fleet, and destroy the arsenal at Antwerp, it became still more important to retain, if possible, that station, which promised to afford us the means of preventing that fleet and arsenal being so available to the enemy. While the war continued, the retention of such a station appeared desirable, as well for our own safety as for the interest of our allies. But surely after getting possession of a place which it had been the object of so many successive governments to obtain, the policy of relinquishing it required much and serious consideration. Nothing, indeed, short of the conviction that this island could not be held without an expense of men and money not to be endured, could have even compelled him to abandon it. But had he abandoned it so soon as some gentlemen on the other side maintained, he had no doubt whatever that in-

stead of that circumstance serving in any degree to mitigate the censure since pronounced upon ministers, that that very early abandonment would form one of the objects of accusation against them. The importance of Antwerp to the enemy, both in a naval and commercial point of view, could not be doubted. In fact, the commerce of the port of Antwerp alone, produced more to the customs of Bonaparte in the year 1806, by one-third, than the whole of his revenue from the customs within the last year throughout all France; namely, the customs of Antwerp in 1806, amounted to eighteen millions of francs, while the whole of last year's customs did not exceed twelve millions of francs. Did it not therefore become ministers seriously to consider the practicability of retaining a station which afforded the means of depriving the enemy of such a productive source of revenue? This alone formed a good reason for endeavouring to retain Walcheren. But its importance towards rendering the great naval depôt of the enemy comparatively unavailable, was indisputably great. That importance was recognized by the opnion of Mr. Pitt, who, in 1805, meditated an attack upon Walcheren, which it was known would have been made if the army under Sir John Moore at that time had been deemed competent to the object. An attack upon Walcheren was in fact in the contemplation of Mr. Pitt so far back as the year 1798. But such a measure was also under the consideration of Lord Sidmouth's government, and of that of the late administration, as his right honourable friend Mr. Canning had correctly quoted from the speech of Lord Grey. Thus this island was sought after by so many different ministers, not one of whom, be it remembered, ever abandoned the pursuit of it from any apprehension of its unhealthiness. When he and his colleagues got possession of a place so much desired, and estimated of such consequence by Lord Nelson, by Lord St. Vincent, and by other great naval authorities, he would appeal to the house and the country, whether it did not behove them deliberately to weigh any proposition for giving it up. Let it be recollected, that ministers had an opinion before them that Walcheren was tenable, and for that opinion he referred to the evidence of Sir H. Popham. It was also to be considered, that neither from the dispatches of Lord Chatham, nor from any thing the noble lord stated on his return from the expedition, could ministers collect any thing

to weaken the opinion they were induced to adopt, as to the practicability of retaining this island. The noble lord, no doubt, urged the propriety of furnishing an adequate garrison, but not a word about the indefensibility of the island. It would, no doubt, be asked, why abandon Walcheren under all these considerations? He would answer, in consequence of the second report of Sir Richard Strachan, which was among the documents on the table. In a former report of the 13th of September, which was also before the house, this gallant officer stated, that Walcheren was quite tenable; that a plan for its complete defence was drawing up, and that it ought not to be given up. But in the latter report, the gallant officer communicated his opinion, that in consequence of the cessation of the war with Austria, the enemy would be enabled to bring such a force to act against Walcheren, as it would not be in the power of this country, with any reasonable proportion of its means, to withstand. Ministers therefore determined upon the evacuation of the island. The right honourable gentleman next proceeded to advert to that part of the question affecting the retention of Walcheren. And here he would ask it of the candour of honourable gentlemen, if the evacuation of Walcheren was that which could be done as soon as it had been resolved upon;—if it was or could be made the operation of a day? Supposing that evacuation to have been determined upon at a given time—that it had been determined upon by his majesty's ministers, as a wise measure to evacuate that island—was there nothing worthy of consideration as to the propriety of the means by which that desirable object was to be carried into effect? The first object of their proceedings must be that of the removal of their sick. Would the precipitate abandonment of the island have been the best way to secure that object? (*Hear, hear!*) Or, in order to secure the safe and tranquil re-embarkation of the sick, was it not expedient that the healthy troops should be in undisputed possession of the island? (*Hear, hear!*) Or would it have been a more summary way to have called off the healthy troops at once, and abandoned the sick to their fate? (*Hear, hear!*) Well, then, it is admitted that we should have first brought home our sick; and now let those gentlemen who have been so fine in their random flights at speculative censure, come down for a moment to the simple so-

briefy of fact. The navy could not bring home our sick—transports must of course have been employed in that melancholy service. After the transports had arrived, they must necessarily have undergone the process of fumigation, and after that, returned to convey the remainder: for we could not command the means of tonnage to convey them all home at once; and then after the sick had been brought home, and not before, commences the evacuation by the healthy part of the troops; even this slight summons was, he believed, sufficient to shew that it was not possible to evacuate Walcheren at the time that it might have been thought expedient to evacuate it. And this brought him to another question, involving still more conclusive reasons for the subsequent delay in the retention, than those arising from mere practical difficulties. Would it have been right, under existing circumstances, to have evacuated Walcheren so precipitately, independently of the physical impracticability of doing so? And now he would state to the house one fact: on the 10th of October, the government had received intelligence, to their minds satisfactory, that hostilities were on the eve of commencing between Austria and France. Now, suppose ministers, after having received that intelligence, had nevertheless determined upon the abandonment of Walcheren, and that hostilities upon the continent had actually recommenced, how easy was it to anticipate the torrent of invective that would have poured upon ministers from the honourable gentlemen opposite for abandoning at such period a conquest before so dearly bought, and then so critically important? (*Hear, hear, hear!*) Was it a rash supposition to imagine at that time the breaking out of hostilities between Austria and France? Was there nothing in the wavering and uneasy alternations that preceded the treaty of Vienna, to countenance the belief that the contending powers might again rush to arms, and another battle be fought for the political existence of the Continent? And if there were grounds for an expectation so anxious, would Walcheren have been nothing in our hands against the common enemy? (*Hear, hear, hear!*) Or would it not have been a most desirable, a most important means of annoyance? (*Hear, hear!*) But there is yet another ground upon which, conjointly with the preceding, he thought the retention defensible. On the 10th of October, for the reasons he had stated, it would have been wrong to have

given it up, comparing fairly the good and evil arising out of the act of retention. The good effects he had observed upon; the bad was, in one word, sickness—an evil lessening every day. Look to the report of Doctor Blane—the distemper uniformly abates in October, and terminates in November. Here then the risks of the evil was momentarily decreasing, while the advantages reasonably to be calculated upon rose with the crisis itself. At such a crisis, Walcheren ought to have been kept at any hazard, but at the very crisis the hazard proportionably decreased. And yet the gentlemen opposite would have it, that it ought to have been abandoned before the issue of that crisis, which might have made it formidable, was ascertained. (*Hear, hear!*) As to the conquest itself, as he had already stated, he had not been without his apprehensions of its risks. But where was the military operation without its hazards? Gentlemen opposite would have an expedition subject to no chances, and secure of intermediate as well as ultimate success. Their theory, he must say, was more perfect than their practice. (*Hear, hear!*) But still it was insisted upon, that Walcheren was unhealthy part of the year—why St. Lucia was unhealthy all the year round—St. Domingo was unhealthy. We retained them; and yet, though beyond comparison more unhealthy, they were beneath comparison with the acknowledged importance of Walcheren. He would detain the house no longer, wearied as was their attention, and exhausted as was the subject. He had reluctantly endeavoured, as it were, to drag them along with him through a length of detail that lent him no aid, and to which his very humble efforts could impart no interest. He thanked the house for the candour of their attention, and he should sit down with simply stating, that it was his anxious and earnest wish to retain Walcheren, if its retention could have been practicable; and that the greatest regret was, that it was not possible to retain a conquest which, if retained, would have proved very valuable. The right honourable gentleman then sat down amidst a cry of *Hear, hear!*

Mr. R. Dundas rose amidst cries of *Question, question.* He assured the house he would trouble them only for a few moments. He positively denied, that the retention of Walcheren had been the effect of any intrigues of ministers. The island could not be evacuated sooner. The necessary

steps for that purpose could not have been taken sooner; and this he considered was a complete answer to the objections on that point. He then adverted to another topic—the answer to the address to the city of London. The purport of it was, that no inquiry was considered necessary into the conduct of that expedition, either naval or military. As to any other inquiry, parliament would see to that. The clamours which that answer excited would be ever remembered; and yet, now let gentlemen compare the answer with the resolution of the noble lord (Porchester), completely acquitting the officers. They might, and you would, have served a bad ministry; but still they did their duty as far as depended on them. He begged this would be a warning not to attack the characters of officers who did their best in the service of their country. He concluded by observing, that even the honourable baronet (Burdett) who had blamed these officers, must vote for their acquittal if he persisted in his intention of voting for all the resolutions of the noble lord (Porchester).

Mr. Brougham expressed his most perfect conviction, that when a subject, embracing the vital interests of the empire, one in which every man was anxious to ascertain the exercise of that duty which the house of commons owed its constituents, was in discussion; he could not satisfy his feelings, even by voting for the original resolutions, if the matter was to rest there. He had a confidence that those who felt for the country's calamities, would first support the present resolutions; and looking forward to the ulterior consideration, which could alone afford the country justice for the past, and guard against similar delinquencies in the future. Those who, on the other hand, could limit their sense of duty to the present resolution, would, of course, support them, inadequate as in his mind they were to any other purpose but the salvation of ministers. (*Hear, hear! and murmurs.*)

Sir Home Popham, amidst loud cries of "Question, question," rose, but from the impatience of the house, and the uproar which followed, was wholly inaudible in the gallery.

The house then divided.

When the opposition were in the lobby,

Mr. Ponsonby addressed them, and begged, as there would be several other divisions to-night, that gentlemen would not leave the house.

The first question was on the first set of the original resolutions of Lord Porchester, conveying a censure on ministers, on the ground of the impolicy of the expedition. On this question, the numbers were,

For the original motion -	227
Against it - - -	275
Majority against the resolutions	48

A second division then took place on the amendment of General Craufurd to the first set of resolutions, the amendment going to an approbation of the conduct of ministers on the policy of the expedition.

While the ministerial party were in the lobby on this question,

Mr. Perceval addressed them, and begged that they would not depart, as one or two other divisions might be expected to take place.

The ayes having gone in, the tellers could not agree as to the numbers, when the ayes again came out.

At length the numbers were found to be,

For the amendment - -	272
Against it - - - -	232
Majority in favour of ministers	40

A third division then took place, on the second set of resolutions, to the effect of censuring ministers for the retention of Walcheren:

While the opposition were in the lobby on this question,

Mr. Ponsonby informed them, that this motion was on their own proposition, for censure against the ministers for the retention of Walcheren; the next would be, on the main question for approving of the conduct of ministers on this point, and of consequence, throughout the whole expedition. On this last point, he hoped that they would stand considerably higher than they had yet done.

The resolution that no blame is imputable to the conduct of the army or navy was carried *nem. con.*

Upon the resolution of censure as to the policy of so long retaining Walcheren, a division took place,

Ayes - - - -	224
Noes - - - -	275
Majority	51

Upon the amendment approving of the conduct of ministers in the retention of Walcheren, the numbers were,

Ayes - - - -	253
Noes - - - -	232
Majority for ministers	21

Adjourned.

HOUSE OF LORDS.

MONDAY, APRIL 2.

IRISH DISTILLERIES.

Lord Holland presented a petition from certain merchants of Dublin against the Irish distillery bill, which received the royal assent last week; but there being a clause in it allowing it to be altered or repealed during the present session, the Lord Chancellor was of opinion that the petition might be received, and it was ordered to lie on the table.

A conversation of some length took place on the subject. The Earl of Darnley lamented, that when the bill was under consideration, they were not favoured with the attendance of the representative peers of Ireland. The Earl of Limerick, on behalf of the peerage of Ireland, protested against any dictation, as to what ought to be their conduct, they being upon an equality with the other peers who were members of the house. The Earl of Darnley disclaimed any other intention than that of wishing for local information from those who were best qualified to give it. Lord Holland stated, that the grievance of the petitioners arose from the bill having reduced one half the duty on corn spirit, in consequence of which, they who had a large quantity of sugar spirit on hand, which had been distilled on the faith that the then existing prohibition of corn distillation would continue, were unable to bring it into competition in the market with the corn spirit, which had thus been so materially reduced in price. Earl Bathurst said, the objection had been under consideration, and it had been intimated, that if the person who objected could devise a regulation by which the objection could be obviated, without opening a door to fraud, it would be acceded to. Earl Spencer complained of the rapidity with which the bill was passed, sufficient time not having been allowed for its consideration. Earl

Bathurst said, it was read a first time on the Thursday, and not read a second time till the Monday following. Earl Spencer replied, that the interval between Thursday and Monday was too short for the bill to go to Ireland, and for any petition to be received from thence against it. —Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 2.

Mr. Wharton moved, that there be laid upon the table a copy of the representation of the subscribers to the late funding of the eight million exchequer bills, stating their consent to the funding 311,600*l.* additional upon the like terms.—Ordered.

Mr. Whitbread gave the right honourable gentleman notice, that on a future day some questions would be put to him relative to the manner in which the last eight millions were disposed of. He could assure him, that much dissatisfaction prevailed on that subject out of doors, particularly as it had been stated that persons had obtained admission into the proper office for the purpose of bidding long before the doors were opened to the public.

Sir John Newport stated, that upon a future occasion he would prove that the public paid at a great price for money raised in that way.

Mr. Wharton then presented the paper, which was ordered to lie on the table.

Mr. Lockhart moved for leave to bring in a bill to alter the 15th and 14th of Charles II. so far as related to the renting of property under ten pounds per annum. The great object of his bill was, to increase the difficulties in the acquisition of settlements, as, from the interpretation now given to those acts, there was a great facility for fraud, and many obstructions to benevolence.

After some observations from Mr. Davies Giddy, leave was granted.

Upon the motion of Mr. Perceval, the order of the day for the house resolving itself into a committee of the whole, to consider of an increase to the salaries of the Irish and Scotch judges was postponed until Friday.

Sir John Newport expressed his surprize that the papers,

respecting the intended compensations to officers of the revenue, in consequence of the abolition of fees, moved for by him two months ago, were not yet laid before the house. There was no difficulty to their being prepared in a week; he should therefore then move that they be presented forthwith.

Mr. Foster said they were not yet made out, because they could not. It was necessary they should go through certain official forms before they could assume the shape of a grant. That process was not concluded, and was therefore the source of the delay.

The reversion bill, on the motion of Mr. Bankes, was read a second time, and ordered to be committed on the following day.

STAMP OFFICE.

Mr. Whitbread expressed his desire to know, whether the proposed regulations in the stamp office were yet perfected and carried into effect?

Mr Wharton stated they had not yet, but he had every reason to believe that the improvement was in progress, and would shortly be carried into execution.

Mr. Whitbread felt sorry that such good work was so long delayed, particularly as he was sure it could have been put in practice before that time.

Mr. Secretary Ryder moved, that the further consideration of the report on the local militia bill be postponed until the following day. A short conversation took place between Sir William Milner, Sir Charles Burrel, Sir John Sebright, and Mr. Whitbread, in which the latter suggested the propriety of not acting upon the interpretation of the clause in the local militia bill, tending to deprive militiamen living in the town or place, which was appointed head quarters, of the marching money. By a circular letter received by him last year from the office of the secretary of state, he found that rather an unpleasant discretion was upon that point given to the commanding officer. The saving of expence by such a distinction was inconsiderable, and the acting upon it must, in his opinion, be attended with very unsatisfactory circumstance. The motion for postponement was then agreed to.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 3.

Lord Palmerston moved for several documents from the army medical board respecting the state of health in the army when at Walcheren.—Ordered.

The same noble lord moved for leave to bring in the annual bill for allowance to innkeepers and publicans, for the maintenance of soldiers occasionally quartered on them.

Mr. Shaw Lefevre expressed his hope that the noble lord, in framing his bill, would take into his consideration the numerous petitions upon this head, now lying on the table, from innkeepers in every quarter of the country, complaining of the total inadequacy of the allowances hitherto usually made, and the great losses they sustained thereby; and praying either an increase of allowance, or some limitation in the rations of provisions to be given to soldiers, so as to secure the petitioners against loss. The honourable member stated, that the grievance bore extremely hard in this case upon a particular class of industrious men, and he hoped their petitions would have due consideration. Year after year they saw bills brought into parliament, alike professing to raise the allowance of the innkeeper; but no increase whatever had taken place in consequence: but he earnestly hoped, that the complaints of the innkeepers would now be taken into serious consideration, as from the pressure of taxes, and the advance on every article of provision, the obligation of furnishing soldiers with provision at the present ratio must be ruinous

Lord Palmerston said the subject had by no means escaped consideration, and the commander-in-chief only waited for returns from the commanders of regiments in different parts of the country, in order to be enabled to form a judgment of the proper average of increase to be allowed.—Leave was given to bring in the bill.

Mr. Charles Dundas gave notice of a motion for the following day, for a select committee to take into consideration the present mode of collecting the assessed taxes, and report their opinion to the house.

CAPTAIN LAKE.

Sir Francis Burdett rose, and said he had to submit to the house a motion, which he felt of the most serious importance. His object was not to make any motion implying a direct opinion of the guilt of Captain Lake, but he was anxious that there should be justice done, and that it should be done by that house. He should, therefore, confine himself to moving for papers relative to the trial of Captain Lake. The class of his majesty's subjects who were immediately interested in the motion, were men entitled to all the feeling of the country. The seaman who had fought and bled in the cause of the country must not be left to the mercy of every petty tyrant—must not be delivered up to the caprice of a man who will be capricious because he has the power to be so. The blood of a fellow subject, and a fellow man, must not be wasted away at the pleasure of a remorseless and unpitying authority; or, if that great crime of "shedding the innocent blood" be committed, there must be a power to which that blood may cry—a superior power, that will not feel it a degradation of its greatness to bend its ear for a moment, and listen to that lowly and feeble cry for justice, that solemn cry, "that cometh out of the ground." But he would not detail to the house the feelings which pressed upon his mind at the plain recital of the facts of this most atrocious, cruel, cowardly murder, for he must call it murder; yet as he had mentally bound himself to abstain from any attempt to heighten the case, he would not dare to give it any colouring of language; he could not give it any colouring; it was a naked crime—an act of cool, determinate, deliberate wickedness, on whose glaring and uncovered guilt no eye could look without horror. He felt a kind of national shame on thinking that such a crime could have so long passed almost unnoticed: and that when it was noticed, it was with the *sang froid* of any other daily occurrence. He had first met it in a newspaper, where it was set down as if it had been nothing more than the account of a stage-coach overturning in Piccadilly, and a history of the fractures of the passengers. And what was this trifle of the day's novelties? Nothing more than that a human being had been seized for an unproved crime; had been sent on shore on

a desolate island, without food or water, under the burning sun of the West Indies, left to perish without help on the face of the earth; and that he perished! Yet this was a tale which passed like other things of the day. The perpetrator of the act was thought to deserve nothing more than an admonition, and was even put into a higher command. If any thing in the feeling of the public was still alive, it ought to be called on to investigate this act; and it now rested with the house to say, whether the occasion was such as to call for their interference in the cause—that most righteous cause of injured justice and insulted humanity. There were many strange circumstances connected with the trial. In the first place the accusers and witnesses were all of them accomplices. Nothing could come nearer to certainty than that the man had perished, and it was his (Sir Francis Burdett's) first intention to have moved an address to his majesty, to order an inquiry into the murder; but it had been suggested, that, as the evidence was not sufficient to determine a grand jury, the address might be opposed. But the facts contained in Mr. Thomas's letter were so singular and so pointed, that no doubt rested on his (Sir Francis's) mind, of the crime having been committed in its fullest extent. It appeared from the evidence of Mr. Spenser, an officer of the sloop, that Jeffery, the unfortunate victim, had been charged with stealing, if that could be stealing, a little spruce beer; but from the same evidence it appeared, that there was a wish to get rid of him previously to the offence—an actual conspiracy against this unhappy man; he was seized and sent away without his clothes or money; there was no use in those to him, for he was sent away to die. In two months after he was sent for, and his trowsers were found. The man was supposed by the seamen to have been devoured by the birds of prey that flock round the island; yet this act, with all its horrid feeling about it, was thought by the admiral in the West Indies and his court martial to be a trivial occurrence; and a report of a report, taken from the report of an American paper, was to acquit Captain Lake of the deepest crime of which the laws can take notice. [Here Sir Francis read a minute of the evidence, in which it was mentioned that the officer and party sent on shore to look for Jeffery, took fowling-pieces to shoot the birds on the island.] What! Sir, said he, were those to be their occupations in that most

melancholy visit? They were sent to ascertain the life or death of a human creature; to find him dying, or to find his bones, and yet this they converted into a shooting excursion. Even then but a few men were sent on shore; but their object was not to find his remains; they were not to find the corpse that was to give a dreadful testimony against its murderer. Why was not every man that could be spared from the ship sent? and why were only a single boat's crew, and those expressly prepared so with means of amusement as to draw off their attention from any diligence of search? In the evidence it came out that the nearest land to Sombrero, the place of this atrocious crime, was Anguilla, and that was at a distance of seven or eight leagues; which yet in Admiral Cochrane's statement had been said to be just beside it. It also came out in evidence that the ship was in sight of Sombrero next morning. Thus Captain Lake had time for thought; but it was only for double guilt; the sun went down upon his wrath, the sun rose upon it, and neither time nor thought could awaken him to a sense of the misery of the man who was at that moment sinking under his revenge: at that moment on a shore where no human footstep trod, sinking under the suffering of body and agony of mind, that last terrible visitation of misery, when the mind sinks under its weight, and the man has lost at once the power of resistance and the hope of restoration; it was to a death like this that he was consigned; a lingering detail of all the suffering that can be laid upon our nature, where the pains of the body, burning under a tropical sun, were wound up by the bitter depression of a mind that was never to hear the sound of a human voice again, never to feel the consolation of a human presence, but sink from hour to hour, helpless, hopeless, deserted, and in despair—this, said Sir Francis, this was the fate reserved for a man. What was the guilt of this atrocious criminal? Had he deserved to be cut off from the communion of his fellow-creatures, by some act which put him out from the limits of human feelings? He had stolen some spruce beer! Yet were this mighty crime proved, where was the sanctity or even the soberness of justice calling up all her powers to fix the crime upon the offender, and vindicate herself from cruelty in the horrible punishment which she had devised for him? The crime was not proved, nor attempted to be proved; there was the *ipse dixit* of a captain of a sloop of war, and the for-

mal and dignified justice of the men who had resolved to get rid of their victim. Get rid of him! why not throw him into the sea? It would have been mercy to the death which they reserved for him. It had been said, that the island was supposed to be inhabited; but all authority was against that idea. (Here Sir Francis read an account of the Sombrero Islands, from Brooke's and other popular gazetteers, which all concurred in representing those islands as totally barren and and uninhabited.) It had been said, that the first suggestion that the island was uninhabited reached Captain Lake when he was at Barbadoes, and that he declared he would not for twenty thousand pounds have put the man on shore if he had known it. But why did he not even then inquire about Jeffery? Why not send to America, which he might have done for the 100th part of the money, and discover whether he were living? The very seamen who were sent in the boat with Jeffery, declared that he must be starved to death. It had been asked on the trial, whether Captain Lake was perfectly sane? or whether he was, at the moment of the crime, quite sober? It had been said in evidence that he was quite sane; but even if he had not been sober he had time to repent? The ship lay in sight of the island next day, and he might then have attempted to undo his offence, but he was still steady to his revenge. On his trial, Captain Lake said, he stood under disadvantages; he had been hurried, and forced to lose the help of witnesses absent on service: but this was absurd; the Admiralty would have stayed the trial till his witnesses came, but he had his time chosen by himself; his witnesses were chosen out of those who were implicated in his offence; and it appeared, that even in the progress of the trial every thing had been studiously excluded which could press upon his case. He (Sir Francis) felt himself now painfully situated; for he must, by the course of the charge, be drawn in to censure some of those whose high stations should have placed above a neglect of justice. From the Admiralty, he had to look to the court-martial, and to reprobate the unscrupulous zeal with which they appeared to shut out from the case every thing that might press upon Captain Lake. (Here Sir Francis read in a low tone of voice, a great quantity of the evidence given by the different officers of the ship on the trial, and made slight comments in explanation as he went along.)

Every thing said he, in this evidence oppresses the mind. It is dreadful to think that such acts can result from putting authority into unfit hands; yet this man was raised to a higher rank. I must suppose, for the honour of human nature, that his offence was not fully known. (*Hear, hear! from the treasury bench.*) What must have been the thought of that wretched man, much more wretched than the being whom he had crushed, while he knew that he was languishing without food or water, without clothing or shelter, in a climate fatal to life. No; this crime must not pass away; this was no question of political interests; nothing on which wise or good men might disagree; it was the cause of the seaman and the soldier; it was his cause; it was their's; it was the cause of all; the cause of justice; the cause of nature, that sacred and holy sensibility, whose movings cannot be checked without a crime. It now remained with the house to consider whether the offence, of which a mere outline had been detailed, was not one which ought to be prosecuted by the law officers of the crown. The honourable baronet concluded a speech of great eloquence and power, by moving, "That a committee should be appointed to take into consideration the papers relative to Captain Lake's trial, and report upon the same."

The Chancellor of the Exchequer did not wish in any manner to repress the feelings which the statement of the case necessarily excited. It was certainly a case deserving of very serious attention; but however he agreed with many of the propositions of the honourable baronet, he could not assume with him that there was evidence of a murder being committed; and he therefore did not see what mode of trial the committee which was proposed could recommend to be had against Captain Lake. He was very ready to admit, that he conceived it was no sort of excuse for Captain Lake to alledge, that he did not know that this island of Sombrero was uninhabited. It appeared to him that there was but little shade of difference between the guilt of sending a man on an island that he knew to be uninhabited and sending him to one that he had no reason to suppose was inhabited, and which it was his duty to have ascertained. If there was any proof that the man was dead, he did not conceive that the sentence of the court-martial could prevent his being now tried for murder. As the case however now stood, there was no

evidence at all against Captain Lake, except the evidence bearing upon the point which he was tried for by a court-martial, and punished. The charge for which he was tried by the court-martial was similar to a most aggravated misdemeanour at common law, namely an assault with intent to murder. On this point Captain Lake had been already tried, and had received the sentence of the court-martial; and it therefore appeared to him that he could not be tried a second time for the same offence. It was not in the power of the court-martial to pronounce a severer sentence than it did; but whether a court of law would not have inflicted a severer punishment was doubtful. It was, however, no slight punishment to a man who had arrived to so high a rank in the navy to be broke by a court-martial. If it could not be in the power of the committee to direct any further proceedings, he saw no practical good in the appointment of the committee. The honourable baronet seemed to think the man had lost his life, but it appeared to him that there was no manner of evidence as to this fact. The idea that the man was safe was grounded on other evidence besides the paragraph in the American paper: If the house was to order an indictment for murder, Captain Lake could not be convicted, unless there was proof that the man was dead; and in a case where there was no probability of a conviction, there was no use in indicting. Instead of doing any good it would defeat the very object of the motion, to order a trial without sufficient evidence. This would be the way to secure an acquittal, in which case, supposing the carcase of this man to be afterwards found, or his death to be proved in any other way, Captain Lake could never be tried again. He therefore thought that it would not only do no good, but that it might be productive of injury to order a trial for murder on the evidence now before the house. He thought that the house should therefore not allow itself on the present occasion to be hurried away by feelings, which were very naturally excited on the bare statement of the case. He thought it would be better to wait for some time, to see whether, by additional inquiries, any further information could be obtained; and then if any such evidence was obtained as should prove the man to have died in consequence of his being left on the island, a trial might be ordered. He really believed that when the hon. baronet was first struck with the statement of

the case, he had supposed that there had been no trial or inquiry into it. He also believed, that although the honourable baronet had then thought the evidence sufficient to amount to a proof of murder, he did not think so at present. If the man was, however, still living, a further punishment might be inflicted on Captain Lake, for the sailor would have a civil action for damages, in which case a jury would have to declare what damages ought to be given in a case of such extreme cruelty and atrocity. As to a passage in Mr. Thomas's letter respecting frauds in the West Indies, he could assure the honourable baronet that this subject was now under investigation by order of the admiralty. As he did not see what good could be done by the appointment of a committee, or what form of trial they could order, he must, if he were obliged to come to a vote, give his vote against the committee. He however wished, that the honourable baronet would consent to withdraw his motion for the present; and he also wished most particularly that it should not be supposed that the house thought lightly of the case that had been stated to them, or that they dissented from the motion, for any other reason, except that there was not evidence before them sufficient to induce them to order a prosecution for murder

Mr. Whitbread said, that the right honourable gentleman appeared to have forgotten that the motion of the honourable baronet went further than the mere case of Captain Lake, and that a part of it was, that those papers should be laid before the committee to report upon them. He should wish very much to know whether the admiralty had taken any step with respect to Sir Alexander Cochrane, whose case appeared to him to be fully as important as that of Captain Lake. The honourable baronet (Sir Francis Burdett) had stated the case as respecting Captain Lake with the greatest temperance and moderation, and had not sought in any manner to aggravate it. His simple statement of the case had made a considerable impression on the house; and if they thought the cruelty of Captain Lake to be so great in sending a man on shore on an island which he did not know whether it was inhabited or not, what would the house think of Sir A. Cochrane, who, knowing that the island was uninhabited, still conceived that a simple admonition to Captain Lake was punishment enough for such extreme

cruelty? The responsibility extended throughout the whole line of the service; and the admiral, who conceived that such a crime ought to pass unpunished, was himself deeply responsible. The admiral appeared to him to have entirely deserted his duty, when, knowing this transaction, he allowed Captain Lake to be promoted, and given a ship of a higher rank than he had before. He therefore, thought that the admiralty would not do its duty unless they were to order some proceedings against Sir A. Cochrane. The right honourable gentleman (Mr. Perceval) had spoken with every proper feeling upon the present question, but he still doubted much whether a man tried once before a court-martial, could be tried again at law for the same offence. The sentence was certainly very lenient; and he must say, that there were often acquittals and sentences, the very slightness of which was shocking to humanity. The question was now, however, whether Captain Lake could be still tried upon the evidence before the house for the crime of murder. If he were upon a grand jury, and were to determine upon his oath on the evidence now before the house to support an indictment of murder, he must upon his oath say, "no true bill." If he were on a petty jury, and such evidence was laid before him, he must say "not guilty." He did not think it had been proved that Captain Lake knew the island to be uninhabited; for if he had, there would be no use in marking the word "thief" on the back of the man. It appeared, however, to him that the search upon the island was not satisfactory. It was extraordinary that on the first search nothing was found; and it was on the second, when they brought guns with them to shoot birds, that they did find something. They found the handle of a tomahawk, or hatchet, and part of a pair of trowsers, such as were given out for the navy. Others said that it was not a part of a hatchet that ever belonged to the ship, nor even the trowsers. If so, it would appear that the island had some other inhabitant. There was no direct evidence, however, of its having been at any time inhabited; and it was merely a report which stated that the French sometimes came there when they were employed in the turtle fishery. On this evidence he thought no prosecution could be ordered; but still he thought that other witnesses ought to be examined, and particularly Lieutenant

Maule and Mr. Winsor. The right honourable gentleman appeared to consider that the conduct of Sir. A. Cochrane was extenuated by his believing that the man had got to America. He ought not, however, to have been satisfied with this account, which was only a hearsay of a hearsay. It appeared to him, that even now it was the duty of the admiralty to order a more strict and diligent search of the island, for the body of this sailor. It had been stated by the honourable baronet, and deserved to be stated over and over again, that this search was ordered to be made by Capt. Lake himself and those officers who had assisted in carrying into execution his most inhuman orders. The right honourable gentleman (Mr. Perceval) had stated it as a dreadful case, supposing a trial was ordered, and an acquittal obtained on the imperfect evidence which is now possessed, and afterwards proofs should appear of the murder having been completed, and the man being dead. He should put another case, and ask, how much more shocking would it be, if, upon such evidence, Captain Lake should be convicted, and that it should afterwards turn out that the man supposed to be murdered was still alive! He thought it better that ten thousand guilty should escape than one innocent man suffer. The house should, however, steer clear of the probability of either of those cases occurring. If upon more accurate search, the remains of this man should be found on the Island of Sombrero, then as a grand juror he would find a true bill. He saw no reason why the house should not address the king to direct the officers on those stations to make the most accurate search for his remains, and also use all means to ascertain whether he be alive or not. This inquiry would be most interesting to the family of Captain Lake, to the country, and to the cause of humanity. If he should be found to be alive, the house would be relieved from that horror which they must now feel whenever the subject is mentioned. He would beg leave to suggest to the honourable baronet whether an address to his majesty would not, for the reasons he had stated, be preferable to a committee of the house, who could not at present recommend any other trial. He believed it would be agreed, on all sides of the house, that a case of more horrible cruelty could hardly be conceived. He had heard that sailors often find the approach of night dreadful when their ship

is sailing alone through unknown seas, but what must have been the feelings of this unfortunate man, when, on the approach of night, he was left without provisions or without cloaths alone on a desolate island? What must have been his emotions when he saw the boat, which had put him upon the shore, push back again, without him, to the ship, and when he saw the ship sailing away, and leaving him a prey to whatever imagination can conceive most horrible? It required no colouring to make such a case as this most impressive. Whoever could conceive what must have been the feelings of the sailor who was so deserted and exposed, must justly appreciate the extent of that cruelty in which those savage orders originated.

Mr. Stephen declared, that until he had that night taken his place in the house, he was wholly ignorant of the particular merits of this transaction. The papers had been upon his table, but from the multiplicity of professional avocations he was unable to peruse them. It was therefore to be understood that he did not give any decided opinion upon the evidence produced upon the court-martial of the officers whose conduct was then under their consideration. He had only to state to the house a fact which it could not be supposed to be so well acquainted with as he was from peculiar circumstances, he meant the geographical situation of the island of Sombrero. He had sailed close to it, and from the glance he had of it, he could take upon himself to assure the house that it was uninhabited, and that it was impossible that any individual cast upon it could there find the means of subsistence. With the knowledge that he had of its desolate situation, he declared, that he could have no hesitation, were he a grand juror, in finding a true bill against the person who would wantonly devote a fellow-being to such a fate, as must almost eventually follow, from being thrown upon such desolation; and he would go further, that if some strong evidence was not adduced in the defence, he would not hesitate, were he a petty juror upon the trial of such an offender, to bring in a verdict of murder. He could assimilate such an offence to nothing more calculated to afford a just view of the case than to throw unobserved an individual into one of the deepest coals-pits in Yorkshire. Sombrero was a bleak, sandy island, not perhaps more than twice or thrice a

year visited by human steps, as the only object that induce persons to go there was to take the eggs of sea-fowls, which were deposited in numbers—a circumstance not very likely to induce frequent visits. Indeed, without a miraculous interposition in his favour, he did not see how any individual could escape from it. With such an impression, he should support any future inquiry into such an unfortunate but serious subject.

Lord Folkestone agreed with the suggestion of Mr. Whitbread for an address to his majesty, to order a more accurate search. He was glad to find that the admiralty had done its duty in ordering the court-martial; but with respect to Sir Alexander Cochrane, he thought that his conduct at least demanded an inquiry. There was another circumstance which he thought should also be attended to. There must be an arrear of wages due to this man, if he was living, (as he did not desert the ship), and in that case care should be taken that he should have it: if not, it should be given to his relatives.

Mr. Lyttleton considered, that although it was a great aggravation of the offence to turn a sailor on an island which was uninhabited, yet he conceived it would be an enormous offence to have turned the sailor out on a strange island, even if it had been inhabited. He thought that some bill might be brought in to make such an offence in future a capital offence cognizable by a naval court martial.

Mr. Croker said, that Lieutenant Maule could not be examined, as he had gone to the East Indies, and the admiralty did not think advisable to delay the court-martial till his return, which could not be expected in less than a year. Mr. Winsor had not come to the ship until a year after this transaction.

Mr. Sheridan said he meant not to excuse or to endeavour to palliate the conduct of Captain Lake; yet he was not afraid to say a few words by way of extenuation, out of regard to an afflicted and respectable family, who had been deeply wounded by what had already taken place on the subject. He thought the house ought to ask themselves the question—Do we in our consciences believe that Captain Lake knew the island was uninhabited? As for his own part, he verily believed he did not; and he was astonished at the declaration of an honourable and learned gentleman opposite (Mr. Stephen) for whose sentiments he had generally felt a respect, and particularly for some

which he had lately delivered—(*Alluding, we believe, to his speech on the conduct of the Benchers of Lincoln's-Inn*), whereby he had assured the house, that he had sailed very near to the island, and from the mere look of it, if he were on a grand jury, he would find a bill, and if on a petty jury, would give a verdict of guilty against Captain Lake, on an indictment for murder. Such a doctrine was almost as bad as any thing Captain Lake had done, and was what he could not have supposed would have fallen from that learned gentleman. The house ought, however, seriously to consider whether Captain Lake knew it to be desolate. Did he (Mr. Sheridan) think him capable of such an action, he should shrink with horror from saying a word in his behalf; but he had some information in his hand which had been collected by the friends of Captain Lake, which induced him to believe that he did not know it was uninhabited. It appeared by this that many of the officers of the ship did not think it uninhabited, if they had, he (Mr. Sheridan) verily believed neither they nor the seamen would have obeyed Captain Lake's orders to leave him there. He was glad to hear the right honourable Chancellor of the Exchequer say, "this charge should not be lightly passed over;" it certainly ought not to be passed over lightly, and every means should be used to ascertain the truth as to the man's having been taken to America. He knew that every possible exertion had been made, and was making, by the afflicted and respectable family of Capt. Lake, to ascertain whether he had been taken off by an American vessel, and if he was still living; and he doubted not but intelligence would, by one means or other, be obtained to clear up these facts. He did not mean to utter a word that might convey the most distant idea that he meant to justify or excuse the leaving a British seaman on any island; but though he had the highest respect for the officers of the British navy, he believed it was not without a precedent, that were there had been a refractory subject on board some of his majesty's ships, there have been captains who left a man on an island that was inhabited. He was, however, of opinion that further inquiry should be made into the business, and thought the report of the committee would be the best way; he thought they should at the same time examine into and report on the conduct of Admiral Cochrane, who certainly could never have imagined Captain Lake capable of setting a man on shore, and

leaving him on a desolate island. This must have been the admiral's opinion, or he would have brought Captain Lake to an immediate court-martial in the West Indies. He thought the investigation by a committee would be more satisfactory to an afflicted and respectable family, to the officers and ship's crew; more for the credit of Capt. Lake himself, more for the credit and character of the house of commons, and more satisfactory to the public at large than any other, and should, therefore, support the motion of the worthy baronet.

Admiral Harvey said he could not but reprobate the conduct of Captain Lake, at the same time, justice and humanity required him to state to the house that the Island of Sombrero was a rock, and that water must lodge, and be found in many of the cavities; also that the eggs of birds, were to be had in such abundance, that no man need to perish for want of food and water.

Captain Beresford disclaimed all idea of excusing the conduct of Captain Lake, whom he did not even know, but he thought it his duty to state to the house that he had been stationed off the island of Sombrero three years, and had been near it for seven years, and he thought it hardly possible for a man to remain there twenty-four hours. If he waved his hat every morning he must be observed. He did not know whether the island was actually inhabited, but it was daily resorted to by fishermen.

The Attorney General said he did not think there was any occasion for inquiry by either of the modes proposed.

Mr. Curwen said, he could not agree with the honourable and learned gentleman who had just sat down. He professed the greatest respect for the opinions of the two honourable officers who had so lately spoken, as to the nature and situation of the island; but if he was a juryman, he should on the evidence he had read, as given at the court-martial, to be apt to find Captain Lake guilty of murder. It was no excuse that he thought the island inhabited; he ought to have known it.

Lord Cochrane spoke from under the gallery, but in so low a tone of voice that we could not distinctly hear him; as far as we could collect a few words now and then, he seemed to argue that Sir A. Cochrane, in not bringing Captain Lake to a court-martial in the West Indies, had been guided by a too great leniency of temper, which was his known character: but that he had sent him home to be tried, where he was sure justice would be done. He had

no doubt but when the matter came to be inquired into by a committee, the character of Sir A. Cochrane would appear in the fairest light, and the whole world would be convinced by the report, that he had conducted himself as became an admiral of the British navy.

Mr. Canning said, he always had understood that when a man was tried for an offence by a court competent to try him, and had received the sentence of that court, the business was done with, and there was no right to inquire further; but this case seemed to him to be different; the whole had not been before the court. He thought, therefore, the house ought to go into a further inquiry, though he would prefer the mode by address to that of a committee; and as it would be of the highest consequence that the house should appear unanimous on the subject, he hoped the honourable baronet would have no objection to waive his motion in favour of an address to the crown, that all necessary steps might be taken to clear up and ascertain whether the island was or was not inhabited—whether it was permanently inhabited, or only partially resorted to by fishermen or others; and whether Jeffery had actually perished there, or was now alive.

Sir F. Burdett, after noticing one or two observations that had fallen from different gentlemen, said, the honour of the king was concerned, in demanding an account of the life of one of his subjects, Captain Lake had committed an atrocious act, by leaving a seaman of a British ship of war to perish, for aught he knew, on an island, for which he ought to be followed up and punished further than by a court-martial.

Mr. Whitbread said, that in consequence of what he had mentioned in his first speech relative to an address, he had drawn up one, which, if his honourable friend had agreed to withdraw his motion, he would beg leave to read to the house, which he did, to the following effect:—"That an humble address be presented to his majesty, that he be graciously pleased to give immediate directions that a minute and accurate search be made forthwith on the island of Sombrero, for the purpose of ascertaining if any traces can be found of Robert Jeffery, a seaman of his majesty's ship Recruit, left on the said island by the hon. Warwick Lake, late commander of the said ship, contrary to every principle of duty, and in violation of every dictate of humanity; and that two commissioners be ap-

pointed to go to the said island and make the said search."

The motion having been handed to the chair,

Mr. Whitbread observed, that an honourable and learned gentleman had described the island of Sombrero as a low sandy island, in which there was neither food nor water; and since he sat down, two honourable officers, well acquainted with it, had mentioned it as a rock, in which there were many cavities that were filled with water when the rain fell; and that there were also many birds' eggs.

Mr. Stephen replied with some warmth to the observations of Mr. Whitbread. He repeated that he had seen the island, and that it appeared to him to be low and sandy. He had not made the unqualified statement attributed to him by the honourable gentleman. He had merely spoke of the weight of strong presumptions amounting to irresistible evidence in certain and extraordinary cases. He put the case of a sailor being let down from his ship when at sea, and abandoned to the chance of a hen-coop; that hen-coop might float till a passing ship took up the man; but what was the presumption as to the motive of the act, and as to its probable result. He had been in the neighbourhood of the island of Sombrero for 11 years, and he never had heard of Sombrero being an inhabited island. He animadverted upon the unwarrantable harshness with which the honourable gentleman had commented upon him, as if he would insinuate that his evidence was false; and was proceeding in terms of warmth, when the Speaker interposed—and

Mr. Whitbread said, he did not mean to question his veracity; but as the honourable gentleman had taken up the matter so warmly, and accused him (Mr. Whitbread) of tearing him (Mr. Stephen) to pieces, he could only say, that if there was any tearing to pieces in the case, the honourable and learned gentleman had completely committed the act on himself, by the violence with which he had made his attack.

Sir C. Hamilton said, every officer in the service must be ashamed of Captain Lake; but confirmed what had fallen from Admiral Harvey, that a man might subsist himself on shell-fish and eggs.

Mr. Secretary Ryder said, that if Mr. Whitbread did not agree to strike out the latter part, moved as an amendment by his right hon. friend, he would divide the house.

Mr. Whitbread accordingly agreed, and the words relative to the commissioners were struck out, after which the motion passed *nem. con.*

Mr. Whitbread then moved a second address to his majesty, "That he will please to give directions that a search be made in all his majesty's settlements abroad, and in his majesty's fleets, and also in all foreign countries where his majesty has influence, to ascertain whether the said Robert Jeffery be still alive," which being read from the chair,

Mr. Croker was apprehensive that, though his majesty could direct search to be made in his own dominions, and in the British military and commercial navy, yet it would not be equally in his power to direct inquiry to be made in foreign countries.

Mr. Whitbread, as a proof that such an inquiry could be carried on with effect, adverted to the persevering and successful search made some time since for three men, throughout the British navy, by an humble individual (Mr. Clarkson).

After a short conversation, in which several other members took a part, the motion was agreed to *nemine contradicente*.

Mr. Whitbread then said, that, as it must be satisfactory to Admiral Cochrance to have it shewn to that house and the world that his conduct on this occasion was free from blame, he felt it necessary to move, "that an humble address be presented to his majesty, that he would be graciously pleased to direct that an inquiry be instituted into the conduct of Vice-Admiral Sir Alexander Cochrane, touching the representation made to him respecting the landing from the Recruit, Captain Lake, and leaving behind, on the island of Sombrero, in the West Indies, a man named Robert Jeffery, in the month of December, 1807."

The Chancellor of the Exchequer thought, that if the object of the honourable gentleman was to have Sir Alexander Cochrane brought to a court-martial, it would be to carry the feelings of the house to an extravagant length, and therefore hoped that the honourable member would withdraw his motion.

After a very short conversation upon this point, the motion was withdrawn, and

Mr. Whitbread rose to move, "that there be laid be-

fore the house copies or extracts of all communications, together with the dates of the letters which passed between the lords commissioners of the admiralty, or the first lord of the admiralty, and Vice-Admiral Sir Alexander Cochrane, touching the landing from the Recruit, Captain Lake, a sailor named Robert Jeffery, on the island of Sombrero, in the West Indies."

REVERSION GRANT PREVENTION BILL.

On the motion of Mr. Bankes, the house resolved itself into a committee on the reversion bill, Mr. D. Giddy in the chair.

The Chancellor of the Exchequer took the earliest opportunity of stating to the committee the amendment which he meant to propose, which was to limit the duration of the bill to six weeks after the commencement of the next session of parliament. The ground upon which he submitted this amendment was, that from what they were in possession of by a report from one of their own committees, there was reason to think, that the limited bill would pass, whilst the bill in its present form would be opposed in another place. Under this impression, he felt it to be his duty to propose the amendment, limiting the duration of the bill to six weeks after the commencement of the next session of parliament, though, if the committee should not be inclined to adopt it, he should not take the sense of the house upon it.

Mr. Bankes replied, that the house had shewn its preference for the bill as it then stood, and if it was to adopt the amendment of the right honourable gentleman, it must be from necessity, not choice. His right honourable friend was bound to shew what inconvenience could result from passing the bill in its present form. Every honourable member must be aware that the bill was in a shape in which it might be regularly entertained by either house, notwithstanding any thing that passed in another place, especially as several of the objections felt by individuals in that other place had been removed. He called upon the committee, therefore, to vote for the bill in its present rather than a more limited shape. There was ample time, if this bill should not succeed, to bring in before the end of the session a limited bill, or to proceed as he had before recommended, by an address to his majesty.

The amendment of the chancellor of the exchequer was

negatived without a division, after which the other blanks were filled up, and the house having resumed, the report was ordered to be received the next day.

The house then went into a committee on the third report of the committee on the public expenditure.

Mr. Martin contented himself with moving the first resolution, reserving any thing he should have to say till he should know the course proposed by the honourable gentleman (Mr. Bankes).

Mr. Bankes then stated, that in framing the resolutions he meant to propose, he had adopted the language of the honourable gentleman's amended resolutions of last year, as far as could be done without a sacrifice of principle. If any gentleman should object to the other parts of his resolutions, it would be competent to him to move any amendment that would meet his wishes; but he felt that his principle, respecting the abolition of sinecure places, ought in the first instance to be adopted, at a time when such just odium attached to offices of that description. He should therefore move an amendment to the second resolution, to the effect that, after the expiration of the present holders, all offices without employment shall be abolished, and all others reduced in their emoluments, in proportion to the duties performed.

Mr. Long agreed with the honourable gentleman in some points, though he differed from him in many others upon the subject to which his amendment referred.

The discussion continued for a considerable time, when a motion of adjournment was made, and the house divided,

Ayes 37——Noes 68

The discussion was again resumed, and after some time spent therein, it was again moved, that the committee should adjourn. Strangers were ordered to withdraw, but no division took place. We understand it was agreed that the further consideration of the resolutions should take place on Friday.——Adjourned.

HOUSE OF LORDS,

THURSDAY, APRIL 4.

CAMPAIGN IN SPAIN.

The Marquis of Lansdowne said, he had intended to have asked a question of a noble marquis, one of his ma-

jesty's ministers, but not seeing the noble marquis in his place, he gave notice that he should the next day put a question respecting the papers relative to the campaign in Spain, and then fix a day for the discussion of that campaign.—Adjourned.

HOUSE OF COMMONS,

THURSDAY, APRIL 4.

ASSESSED TAXES.

The Chancellor of the Exchequer adverting to a notice before the house from an honourable member (Mr. C. Dundas), for a motion relative to the collection of the assessed taxes; expressed a wish that that honourable member would have the goodness to postpone the motion until after the recess, as the subject was under the serious consideration of the treasury, in consequence of complaints from various quarters. He assured the honourable member that every suggestion should be attended to that could tend to promote the object desired, that with that view he proposed to recommend a measure of regulation which, he hoped, would serve to obviate the evils complained of.

Mr. C. Dundas stated that he had no other motive in bringing forward this business than a desire to relieve the people from oppression, expressed his readiness to consign it to those who had more ability to administer that relief. He was, indeed, happy that the right honourable gentleman, who was so capable of giving effect to any arrangement upon this subject, had manifested an intention to follow it up—and he assured him, that any materials he had collected should be promptly at his devotion. There were points which he begged particularly to recommend to the right honourable gentleman's consideration—one with regard to the interrogation of men upon oath to criminate themselves, peculiarly demanded revision; and there was another point which appeared to call for inquiry. Upon the latter point, a circumstance had come to his knowledge, of which, probably, the right honourable gentleman had not heard.—Some commissioners of the land-tax, from the county of Hereford, were lately obliged to answer a suit in the court of exchequer, in consequence of the performance of their duty. In this suit

they incurred an expence of 280*l.*; and although the verdict was in their favour, they declined to avail themselves of it. This forbearance was, no doubt, honourable to the individuals concerned; but he submitted to the house whether such a case was not calculated to depress the exertions of gentlemen who gave their services gratuitously in such commissions? and whether it was not likely to indispose other gentlemen, not so public-spirited and disinterested, from deciding according to their judgment, least they should be exposed to expense and trouble? It was obvious that the recurrence of such a case ought to be provided against.

Mr. Shaw Lefevre urgently pressed upon the attention of the minister the conjectural surcharges to which people were subject from surveyors, who, in fact, often knew nothing of the persons whom they surcharged, but proceeded upon a speculation, productive, in most cases, of extreme injustice and vexation, particularly in the country.

The Chancellor of the Exchequer's request was complied with, and the notice was accordingly withdrawn.

Mr. Calcraft observing, upon two notices which he had given for Friday, one relative to the neglect of the ordnance board respecting Mr. Hunt's security, and another with regard to Mr. Hunt himself—said, that he understood it would not be quite regular to bring forward both motions upon the same day. His intention, as to Mr. Hunt, was, after a discussion of the papers with respect to his misconduct, to move his expulsion. Of a motion so serious, it was obviously proper to give the subject of it previous notice; and he had sought him out for that purpose. But that person was not to be found. He would, however, give notice of his motion respecting him for to-morrow se'nnight, which he understood to be a fair interval upon such an occasion.

After a few words from the Speaker,

Mr. Calcraft gave notice of a motion for to-morrow se'nnight, upon the subject of the 12th report of the military commission; and it was ordered, upon the honourable gentleman's motion, that Mr. Hunt should be ordered to attend in his place on that discussion.

In answer to a question from Mr. Brougham, respecting an order of the house for the production of certain returns relative to the slave trade, Mr. Perceval answered,

that he would endeavour to have the returns alluded to laid before the house as soon as possible.—Adjourned.

HOUSE OF LORDS.

THURSDAY, APRIL 5.

Lord *Holland* stated, for the attention of the noble baron opposite to him (Marquis Wellesley) that he understood a letter from General Victor to Joseph Buonaparte, dated on the 24th July last, had been intercepted by some of our troops, and must, as he conceived, have reached this country about the 3d or 4th of August. He found no copy of this letter amongst the documents on Spanish affairs laid on the table, and thought it was necessary to be laid before the house.

Marquis Wellesley said, if there was any such letter and that the noble lord would move for it, he should have no objection to its being produced.

Lord Holland said he had no means of wording a motion for the paper, in terms of official description; and hoped there would be no objection to produce the letter, without the formality of a motion.

Lord Liverpool assented to this suggestion.

INSTRUCTIONS TO MR. FRERE.

The Marquis of Lansdowne rose and stated, that in looking over the documents on Spanish affairs, laid on the table in consequence of a motion upon a former day, he observed no copy of any instructions sent to Mr. Frere, the British resident in Spain, respecting the military transactions in that country, by his majesty's secretary for foreign affairs, save one, dated on the 12th April, 1809. He conceived it scarcely possible in so great a lapse of time as from that date until the August following, and while some of the most important military operations were going on in Spain, that no instructions whatever should have been forwarded by the British government to their ambassador; and he thought that of such instructions, whatever they were, copies or extracts should have been laid before the house, so far as they were not improper for public communication.

Marquis Wellesley answered, that as far as he could recollect, from looking over the Spanish documents, there were no instructions of any importance sent to Mr. Frere

after the letter of Mr. Canning, on the 12th of April 1809.

Earl Grey coincided in the observation of his noble friend; and thought it scarcely possible, that, during a period of such length, and involving so many important transactions, the British resident should have held no communication with his government, nor received any instructions for the guidance of his conduct upon the objects of his mission: and if there were any such instructions sent, or any further communications received, it was the duty of his majesty's ministers to lay such documents, or extracts from them, before the house, for its information, preparatory to the pending discussion on that subject: always considering, however, that it was for his majesty's ministers to exercise their own discretion, in selecting such parts only as it would not be improper to make public, consistently with the interests of this country and her ally.

Lord Liverpool said, that, according to the wording of the motion on this subject, such papers only were required as related to military transactions; and, therefore, in making the selection, it was not thought necessary to bring forward papers not of a military nature, and which did not, therefore, bear upon the question.

Earl Grey replied, that the noble secretary was perfectly correct in stating the words of the motion; but there might be many documents which, though in themselves not strictly of a military nature, yet were such as were materially connected with military operations, and therefore inseparable from them in direct tendency: instructions and communications, for instance, respecting the state of the Spanish government, and the persons placed in its principal departments, and whose conduct and characters might have considerable influence in the direction of military transactions.

The Marquis of Lansdowne gave notice, that he should, on Tuesday se'nnight, call the attention of the house to the subject of the papers on Spanish affairs now on the table; and he moved, that the lords be summoned to attend on that day.—Ordered.

SCHELDT EXPEDITION.

Lord Darnley rose, and wished shortly to call their lordships' attention to the subject of the late disastrous

expedition to the Scheldt, which had been lately discussed in the other house of parliament. After the decision which that house had come to upon this subject, he entertained no very strong hopes that an opposite conclusion was likely to be formed in this. Confident, however, he was, that, excepting the house of commons, there was no public body, or other set of men, in these kingdoms, who entertained the opinion which had been expressed by that house. He thought, however, that it was a subject which their lordships could not pass over in silence; and, little as he was warranted to hope that a majority of their lordships would coincide with him on the subject, still he could not rest satisfied in his conscience without calling their attention to it, and giving those noble lords, who thought with him, an opportunity of expressing their sentiments. He was not prepared to name any particular day for bringing forward any motion, but if no other noble lord should think fit to take it up, he should himself do it on an early day.

FOREIGN CORPS.

Lord King rose and expressed his wish for some explanation of a material difference betweeen two public documents laid before parliament in the present session, on the subject of foreign corps. In the estimate voted by the house of commons, the number of men appeared to be 25,900, and in the return made to the house of peers, in consequence of his own motion, the number was stated as above 31,000. He wished to know how the difference could be explained, or whether the addition arose from the troops which accompanied the Duke of Brunswick to this country?

Lord Hawkesbury said, the addition arose chiefly from the circumstance last alluded to, together with the disasters which had lately occurred in Germany, in consequence of which, numbers of soldiers had followed the fortune of the Duke of Brunswick to this country, and had entered into his majesty's service.

The Earl of Rosslyn was at some loss to account how that corps called the Queen's German Legion could be numbered under the head of foreign corps. They were included in the troops of the British line, and numbered as the 97th regiment; and he could say, of his own knowledge, that the chief strength of the regiment consisted of

British subjects, principally recruited by volunteers from the Irish militia in 1805, when the regiment was in Ireland.

Lord King gave notice of a motion on the subject of foreign corps on Thursday next, and moved that the lords be summoned for that day.

The noble lord also moved for returns of all the foreign corps in his majesty's service, distinguishing their strength respectively.

REVENUE CRIMINAL LAWS.

Lord Grenville called the attention of the house to a subject which he conceived highly important to the jurisprudence of the country. A bill had been sent up from the other house of parliament, for consolidating into one act all the laws against smuggling, and other frauds upon the revenue. This bill also included and confirmed all the capital punishments against such crimes. He had opposed the bill in that shape, as unfit to be adopted, without the opportunity of fully considering and discussing the nature of the crimes thus subjected to the punishment of death; and, therefore, he had moved that a separate bill should be prepared by the judges, including all the crimes against which former acts denounced the punishment of death. That bill was now on the table. It had been read the first time, and described no less than seventy-five crimes against revenue law, subject to the punishment of death. He thought it wholly unfit to be enacted, as inconsistent with the merciful spirit of British legislation. Where high duties upon articles of consumption were imposed, strong temptation was given for evading those duties, and capital punishments should not be inflicted where not absolutely and indispensably necessary to the due collection of the revenue. What he should, therefore, wish to do, was to move for the present, that the bill be read a second time; and then referred to a select committee, who should be instructed to inquire in what cases it was actually necessary to enact capital punishment, in order to the due collection of the revenue, and that the committee should avail themselves of all the information to be derived from the solicitor of the revenue, and such other persons as were most conversant in carrying the revenue laws into effect; and to make such amendments in the bill as they should think necessary.

Lord Liverpool perfectly coincided in the proposition of the noble lord, and thought that the law lords, who were members of that house, should be of the committee.

Lord Grenville moved accordingly, and his motion passed in the affirmative.—Adjourned.

HOUSE OF COMMONS,

THURSDAY, APRIL 5.

PROPERTY DUTY ACTS.

Mr. Grenfell rose and observed, that in consequence of a late occurrence, in which himself and others had been personally involved, but in which he had now no further interest than any other member who heard him, he felt it to be his public duty to give notice, that he should, immediately after the Easter recess, submit to the house a motion on the subject of the vexatious and oppressive mode in which the property duty acts are now carried into execution. He begged to add, that he should most readily abstain altogether from troubling the house with any motion of his upon the subject, provided the right honourable gentleman opposite to him (the chancellor of the exchequer, with whom he had had communications upon the subject) should think proper to bring forward such legislative regulations, with reference to these acts, as would secure the public from that oppression and vexation which he knew practically to exist at the present moment.

The Chancellor of the Exchequer professed himself willing to adopt any improvement that might render the collection of the tax more easy and advantageous to the public.

General Walpole moved to have the observations of the surgeon-general on the fourth and fifth reports of the commissioners of medical inquiry, signed with his own signature; and also, that a letter of Surgeon Keate's, dated 5th July, be laid upon the table.

The Speaker inquired whether those were public or private documents?

General Walpole not being certain on that point withdrew his motion for the present.

Sir J. Newport moved for an account of the purchase of lands in the county of Cork by the ordnance board.

Mr. Sharp postponed his motion on the correspondence

relative to the exchange of prisoners with France, till Monday.

BREACH OF PRIVILEGE.

Mr. Lethbridge moved the order of the day for resuming the debate on Sir F. Burdett's letter.

Lord Ossulton rose, and proceeded to vindicate the doctrine laid down by the honourable baronet respecting the right of commitment, as claimed to be exercised by the house. He cited, from the authority of Chief Justice Holt, that neither house of parliament could infringe upon the liberty of the subject. He further quoted, from the same authority, that the privileges of parliament were well known, and founded upon the laws of the land, and could not be in contradiction to those laws. He stated also, that in the argument laid down by Chief Justice De Grey, that though the law of parliament was, in a great measure, only known to parliament-men, and that by experience, still that that experience could not warrant any principle at open variance with the known laws of the land. The noble lord then adverted to those personal considerations that must shew that Sir Francis Burdett could not have been influenced by any anti-constitutional motives in his public conduct. He derived those well-grounded presumptions from the honourable baronet's amiable private character, his great stake in the country, and his ancient family. The greater part of the noble lord's observations were wholly inaudible in the gallery.

Sir John Anstruther differed materially from the noble lord who had just sat down, in many points, and in none more than as to his sense of the importance of any attempt, from whatever quarter, to wean the feelings of the people of England from the support of that house. (*Hear!*) The house stood in that peculiar situation, that it behoved it to guard itself equally from the innovations of the influence of the crown on the one side, and the advancements of popular encroachments upon the other; and the best way to do that effectually was uniformly to support its own rights and privileges. They had never been exercised but for the good of the country at large, and it could not be for the benefit of that country to shrink from the discussion, and the support of them. The question now before them was extremely clear, whether there has been a libellous publication against the rights and privileges of

that house or not; whether the rights and privileges so long exercised by that house belong to it or not; and if they do, whether the house has or has not the right of enforcing their due observance:-and here he would ask, if the house was at that time of day seriously to inquire, whether it had the privileges said to be infringed upon by that publication? The first thing that presented itself in the shape of even a plausible objection to the existence of the privilege in question was, that this was a libel, and therefore did not come under the head of a contempt of court. Admitting it was a libel, how did it follow that it was not a breach of privilege? Was it not a breach of privilege here, because it was an offence of another kind elsewhere? Or, is it to be said that, because the offence has that extent as to be punishable elsewhere, it was therefore not punishable here, unless that the latitude of the crime was to be made a ground of comparative impunity? The offence was indictable in one of the courts of law—What then? Because it was so, were they to pass it over; that was, in other words, were they to be told, that because it was a libel, it could not be a breach of privilege? But it had been argued, that a libel, though a breach of privilege, ought not to be punished as such, but generally as a breach of the peace. Here they had a libel admitted as a breach of privilege, and that admission ended the argument so far; for if they had privileges, they must have the power of supporting them. He, however, denied altogether that a breach of privilege was removed out of the jurisdiction of that house, because that breach of privilege was also a libel. The honourable baronet began his letter with stating, that "the house of commons having passed a vote, which amounts to a declaration that an order of theirs is to be of more weight than Magna Charta and the laws of the land." This was an insidious and false way of stating a groundless proposition—a groundless calumny—what was the question? Did the house act in violation of Magna Charta and the law of the land? What was the law of the land? Where was it to be found? Where were they to look for it? He knew of no place to look for it but in the practice of that house, and the other established courts of jurisprudence. (*Hear, hear!*) What then was the privilege claimed by that house, that that house, being a third branch of the legislature, should have the power of preventing or removing all

obstructions thrown in the way of the free exercise of its judgment—all contempts will be allowed to be classed under the head of such obstructions—all calumnies circulated against the free exercise of their right of judgment would be admitted at once to be breach of privilege; and if such calumnies, instead of evaporating in words, be elaborately embodied in a printed paper, is the breach of privilege the less, or does it, on that account, cease to be a breach of privilege? Should the house of commons suffer itself to be run down in such a manner? Was there a common club, of the meanest description, that had not in itself a power of protecting itself against such calumnies from its own members? Obstructions, it will not be denied by one man, the house has a right to remove; and, not merely personal obstructions, though there were obstructions which, though not operating by actual personal force, had yet the same effect in ultimately influencing the decisions of that house. Whatever went to prevent the free exercise of the judgment of that house was a virtual obstruction, and as such to be removed—were such obstructions altogether unprecedented? Had they been in other times unusual? How had the vote been carried against Lord Strafford? (*Hear, hear!*) Had the exercise of the judgment of the house been free and uncontrouled in that instance? When the walls were placarded with menaces, and members hooted and halloo'd by the mob as *Straffordians* as they passed to and from the house? And why may they not do the same to-morrow? Aye, but then it may be said that hooting is more like a personal obstruction, than placarding and posting upon the walls. But was nothing to be construed as an obstruction but what was personally so? Were there no such things as constructive obstructions? Impediments which were not virtually personal, but which had the same effect—Libels came exactly up to the case of constructive obstructions—their privileges were essentially necessary to their existence—calumny was the most dangerous assailant their privileges could have, and was it to be supposed that the putting that calumny in writing took from the house the right of protecting itself against it? Or was the house compelled, in such a case, to wait the slow progress of an indictment? a remedy that, after all, would not apply to the offence, as an offence against the privileges of that house. The court to which they would in

that case apply, would not look upon the offence as a breach of privilege; they would not take cognizance of it in that view; they would try it as a breach of the peace, and not as a breach of their privileges. The next question was, if they had those privileges, had they power of judging of their own privileges? And here, perhaps, he ought to apologize to the chair for merely asking that question; for if the house of commons was not judge of its own privileges, and the only judge of those privileges, he, for his part, did not know how the house of commons could be said to exist at all. (*Hear!*) In his judgment, their independence was totally gone when any other power than themselves were allowed to be judges of their own privileges; (*hear, hear!*) and in saying this, was he claiming more than belonged to the lowest court? The lowest court could punish for contempt, and, what was more, no other court interfered in commitments for contempt by any other. So that the house asked for nothing more than what belonged to every other court. That house had the power of judging of its own privileges, and of protecting those privileges. That power, like every other power, admitted of abuse; but the abuse of a thing was no argument against its existence. As to the charge of abuse of its power, the house of commons might with confidence appeal to the past. It would be found that, for the last three hundred years, in the same proportion as their authority had become more solid and extended, had their exercise of that power been calm, moderate, and prudent. But it had been said that breach of privilege was no contempt. This objection he did not answer, only because he did not understand it. If a breach of their privileges was not a contempt of their authority, he did not know what contempt was; again, it was objected, that if they were the judges of their own privileges, they might make what privileges they pleased. But had they done so? Let them look back, and they would see that that house had never been fond of creating new privileges, they had privileges enough to uphold their own independence, and vindicate their due authority; and one, and perhaps the most important of those privileges, was to prevent their deliberations to be impeded in their exercise by the attacks of calumny. The calumny, in the present instance, came from one who had set himself high on the side of the people. He would put the case, that the same at-

tempts to run down the character and authority of that house had been made by the crown, or he should rather say, the servants of the crown; he would ask, in that case, what would have been the language of the gentlemen who are now so moderate, and so full of doubts, upon the present question? (*Hear, hear!*) Would those gentlemen have been quite so calm and considerate as they now appeared to be? or would not the house have heard from them different language in a much higher tone? But whatever their language, he (Sir John) would take the same part in either case, and impartially defend the privileges and authority of that house against both. Committal for contempt was, however, not much disputed, as being that which the house had done at all times. But it had been said, that the right of committing for libel could not be traced. He admitted that it could not. They could not trace the fact, for the very simple reason, that libels must have been subsequent to the invention of the art of printing—printing must have been common before a case of libel could have occurred. But if they could not trace the fact, they could easily trace the principle. That did not depend upon the fact of printing. Courts have uniformly punished calumnious expressions. This house had the right of doing so from its earliest stage, and the principle upon which they did so was not altered by the calumny appearing in a printed form. He was very far from being disposed to panegyrize the wisdom or prudence of the honourable gentleman (Mr. Lethbridge), in forcing the attention of the house to the libel now before them. But now that it was before them, and that they were called upon either to stand by or renounce their privileges, he admitted that there was no receding from the broad question. It was a remark that would be found to hold without one exception, that whether the government was in the hands of the whigs or the tories, this power of committal had been always exercised; and in every instance that that exercise had been questioned by an appeal to the courts of law, the right was uniformly confirmed by their decision, who justified that power upon the same grounds upon which they professed to hold their own. He was surprized at the noble lord's citing a publication of the house of lords respecting their own privileges, as an authority to weigh with that house in determining upon their's. He would refer that noble lord to the answer

given to that publication. In all times, the house punished for libel as an attack upon their privileges. The case of the *King* versus *Flower* was a proof of this. He did not want to borrow from the other house, but he had no objection to their aid where their cases properly applied. Crosby, the lord mayor of London, was sent to the Tower. He applied to the Common Pleas for his habeas corpus; the other person taken up with him, and committed by virtue of the same warrant, applied to the King's Bench for his *habeas* also? The habeas was refused in both instances. Lord De Grey, a great constitutional lawyer, an upright judge, and an honest man, remanded the lord mayor, and why? because the reason assigned for commitment was deemed sufficient contempt on the face of the warrant. That great lawyer pronounced the house of commons to be judges of its own privileges. The law of their privileges was to be found in their own adjudication of those privileges, and their mode of punishment was that of commitment. But what were the words of Lord De Grey, in speaking of this right of commitment on the part of the house—"They have a right to commit, because it is necessary they should." This was the reason assigned by Lord De Grey, and the moment they parted with the right of judging their own privileges, that moment they ceased to be independent. The case of Alexander Murray was another in which the right of the house to commit had been tried by an application for an habeas corpus, and confirmed. Murray was remanded. The case of the Kentish petition was also in point. At that time the parliament was a tory one; the ministers, tory; the six persons who presented the petition were committed—in the course of that year there was a change of ministers; and the next year there was a whig ministry, and a whig parliament. What did they? They not only followed up the proceedings of their predecessors, but embodied them into resolutions, so that here was a case, where in the heat of party contest, men differing upon every other subject, agreed upon this point of privilege, this was in 1701. The case of chief justice Holt was greatly relied upon; but let gentlemen remember, that if lord justice Holt was of one opinion, eleven judges were of an opposite opinion. Besides, were they to be told, that the authority of other great lawyers went for nothing. The honourable baronet had made

light of the names of De Grey, Mansfield, and Kenyon, those sages of modern times; but it did not follow, that the house would think as lightly of them as the honourable baronet. Besides, Lord Holt never denied the right of the house to commit for contempt. Lord Holt merely questioned the limits, whereas the honourable baronet denied the existence of the power; and he candidly cited the authority of Lord Holt in aid of his own opinion, as if the authority that objected to the excess of the power, was fairly to be brought forward as an evidence, that the power did not exist at all! He mentioned this, therefore, merely to guard the house against confounding the opinions of the honourable baronet with the judgments of Lord Holt. He therefore was warranted in repeating, that the house of commons, in their assertion of this right, was claiming nothing more than what of right belonged to the lowest and most confined jurisdiction. Of all their privileges, none was more important than that of preserving their authority from those contumelious and licentious calumnies which had a tendency to shake their dignity by lowering their estimation; attacks, no matter how embodied, or from what quarter directed, whether from a mob out of doors, or one of their own members from within, the privileges of that house were equally competent to resist and punish whatever form it assumed, whether a libel or a personal breach of the peace; it was in either case not the less a breach of privilege, and as such, subject to the undisputed cognizance of that house. With respect, then, to the honourable baronet, he would say, that as to the course he had taken up, it appeared to him to be an hopeless one, at least, he might be allowed to say, that the reasoning upon which it had been founded, did not appear to him calculated to impress conviction upon them who heard it; the arrangement was bad, and the management of that argument was worse; the question, in fact, had been often agitated; it had been the subject of many pamphlets in the time of Wilkes. In the year 1701, and on the question involving the legal jurisdiction of the house of lords in the case of Ashby and White, all these sources furnished ample matter to the honourable baronet, and he might have borrowed with more selection than he had done. Indeed, the pamphlet of the honourable baronet teemed with evidence of dull, clumsy, ill-digested plagiarism, old and exploded doctrines revived without even their original strength, and

put so badly, as if they were either wholly misunderstood, or stupidly misapplied, and this naturally brought him to the consideration of the importance of the pamphlet in question. He could not help thinking it (whatever it was meant to be) a very harmless production, and he could have wished that the zeal of the honourable gentleman (Mr. Lethbridge) had been better tempered. If the notice of that house had not been forced to that pamphlet, it would have died the death of the nonsense that had gone before it. While, however, he acknowledged the pamphlet to be any thing but mischievous, he could not help observing upon the gross want of candour that distinguished most of its quotations and mis-statements. In the motto, the opinion of Judge Blackstone was given at large upon the right of personal liberty, from the third book of his commentaries. Now it was unfortunate for the honourable baronet's quotation, that Blackstone was himself one of the judges who remanded the lord mayor of London, Crosby; and as to the candour, the honourable baronet could not have been ignorant, that, in the same work, the King's Bench is stated to have the power of bailing all persons committed on charge of certain offences, save those committed by either house of parliament. Another instance of the candour of the honourable baronet was, his putting into what he called his argument so many things that had not been uttered by him in that house; thereby wishing to make the house an instrument of its own disgrace, in tacitly succumbing to the avowal of such doctrines. Again, he lays it down in another part of this pamphlet, with equal candour:

"We may reasonably conclude, that all the privileges the house of commons then thought itself entitled to, were enumerated in the order of the 1st of June, 1621, as Sir Edward Coke, so well acquainted with, and then contending for them, against the undue prerogative of the crown, claimed no more."

But the fact was, that the house then, as in all other cases, was employed in vindicating not the whole detail of their privileges, but the individual right of the privilege in question. The pamphlet was, he repeated, deserving only of contempt, and he had no apprehensions as to any effect it could have upon the sound good sense of the people of England; at the same time, the privileges of that house could never suffer from discussion; the more they were discussed, the firmer they would stand. What

the house meant to do, he was at a loss to know. The pamphlet appeared to him to be an awkward compilation of very bad arguments in very bad language; and he must again repeat his wish, that such a work had been left to its own fate. He could not extol the wisdom or the prudence of the honourable gentleman (Mr. Lethbridge), in visiting it with a character of importance so foreign to its own merits. He would advise that honourable gentleman, the next time he felt his zeal prompting him so hastily, to pause a little to consider the ulterior consequences a first step in such matters may lead to. He would advise that gentleman, before he took a similar proceeding in future, to consult with others whose experience might be found to equal his own, and whose counsel might prove no unworthy accession to the native resources of his own practical wisdom. (*Hear, hear!*)

Lord Folkestone was desirous of addressing the house, as, notwithstanding so grave an authority as that of the right hon. gentleman, he must differ from him, both with respect to the paper itself, and the question of the right of the house, on which the paper complained of treated. The noble lord thought he had a right to complain of the hon. gentleman who moved this question, not having stated his views as to his further proceedings. At first he was contented with the mere reading of the publication; and then he appeared much alarmed; so much so, that he said his hair stood on end when he read it; but what crime it contained he had not stated. Every gentleman on that side had taken a different view of the matter; one confessed that the paper did not involve the right of the house, one thought it did; others entertained different opinions. Some charged it with falsehood; and the right honourable gentleman arraigned it of bad taste and bad authorship. It was called scandalous and libellous; but no proofs of this were given; and while its bad taste was censured, it was admitted that it could do no harm. It was charged with want of candour; but that was not a sufficient ground for the house to proceed upon. The right honourable gentleman should, when he made that charge, have appeared candid himself; but that was not perfectly the case, when he referred to one resolution of the house, which the paper stated to have been drawn up by Sir E. Coke, in the year 1601. One honourable member had complained of the expressions respecting the legal power of the Speaker's warrant, and called it a gross breach of privilege. The

ject of the argument lay in the merits of that statement. If the honourable baronet (Sir F. Burdett) was at all right in his argument, he must state what he had stated on that point. Before gentlemen called it a libel, they should consult some authorities. If they turned to law books, to Hawkins or Coke, for instance, to learn what were the requisites of a legal warrant, they would find that it must have lawful authority, must be under hand and seal, and must be for a lawful cause; and then, when they found the present case deficient in these respects, they could not find any great crime in the statement of the honourable baronet. One had laid great stress on the use of the word "resist;" and a string of passages had been put to an improper construction on the meaning of that word. If the context were fairly considered, it would appear that the word "resist" was connected with the word "legal:" and that it was only by a forced interpretation that any thing else but legal resistance could be taken as the writer's intention. It spoke of legally resisting, of resisting the *doctrine*, of resisting by the *voices* of the people. Nothing but a forced construction could make any serious charge out of the use of that word. No less an authority than the late Lord Chatham had used much stronger expressions at a time when the rights of that house had been discussed in other courts of law. He had said in the house of lords, that if they meant to unite the nation, they must convince them that their claims would be regarded; but if a contrary course was to be pursued, if the breaches of the constitution were not to be repaired, if our liberties were to be surrendered to a despotic minister, "may discord," said he, "prevail for ever!" His lordship further added, that in the case he alluded to, he hoped to see the question brought to an issue, and fairly tried! Such were the words of the great Lord Chatham! It mattered little, indeed, whether the liberties of the people were surrendered to a despotic minister, or to the house of commons. With such authority before them, the house must be slow in straining the interpretation of the honourable baronet's expressions. Another complaint was, that the bill of rights was called a bill of wrongs: but the honourable member read only a part of the passage. [Here the noble lord quoted the whole passage as it stands in Sir F. Burdett's Letter, which runs thus:]

"But in order that nothing may be wanting to render truly ludicrous every part of the proceedings, which,

inverting the laws of the drama, as well as all other laws, begins with a farce, and ends with a tragedy; the house of commons imprison Mr. Jones, under the sanction of what law, think ye? The bill of rights. Well might Paine call it the bill of wrongs, if it could be thus converted into an instrument to oppress and destroy the liberties of the people; those liberties for which it was expressly framed, claimed, demanded, and insisted upon to protect. Mr. Yorke has discovered a new meaning in the bill of rights; and because the bill of rights declares that a member of parliament cannot be questioned any where out of parliament for words spoken therein, he has sapiently concluded, that the people are prohibited from exercising their understanding, for the purpose of discussing or censuring the conduct of the gentlemen who sit in that house." &c. With these observations, it may be true, that Mr. Yorke might have some reason to find fault; but it did not appear that the house had any such reason. Another paragraph had been much insisted upon, at page 55, ending by saying (speaking of the house of commons) that they, "inflated with their high blown fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protections beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people." Now, he must say, whatever might be attempted in the way of ridicule, that he agreed with an honourable and learned gentleman below him (Sir S. Romilly), that he did not clearly understand this passage. Yet, whatever these words were, every one of them, he believed, had been before used by the honourable baronet in his place in that house, when he moved for the liberation of Gale Jones. He was sure they had been used by him on other occasions. He did not state that as a justification, but only as to the fact of their not being unprecedented. As far as he could make out their meaning by the context, he presumed that by "assuming the sword of prerogative, and lording it equally over the king and people," was meant the power assumed by the house of commons, of punishing where the law did not order it, and of doing acts beyond what the king or the people had the power to do. That was the best interpretation that he could put upon it. The passage might perhaps be offensive; and they were told, that it was the more injurious as it was unintelligible. There might really be some ingenuity in this reasoning; but he

could not perceive why the house should be the more inclined to punish, when sitting in judgment on a passage they did not clearly understand. It was called scandalous and libellous. He spoke in the hearing of learned persons when he said he believed, that to be scandalous, it must be false, and to be libellous, a bad intention must be shewn; which he had not yet heard urged. He could see no right to infer any bad motive in this publication, unless it were put on the word "resist:" for which, he declared, he could find no ground. Then he came to the second part of the proposition, which stated it to be a letter "reflecting on the just rights and privileges of this house;" so that the house were called upon in one resolution not only to decide upon the paper, but upon the justness of the rights, against the possession of which the letter argued. Let gentlemen fairly consider the nature of the whole paper. It was written by an honourable member to his constituents, explaining more fully to them the nature and extent of his arguments than he had done in his place, or than they could have been reported to his constituents. He did not know to what extent members were to be permitted to publish their sentiments. The standing order forbad the publication of their debates; nevertheless that practice had been long connived at. In former times it could not be considered such a grievance, since *Andrew Marvel* wrote a full account of their proceedings to his constitutents every week. This ought, therefore, to be taken into view. He should be sorry to pass sentence for a libel, merely on what he recollected to have fallen from a person in the hurry of debate: but might not a person in publishing sentiments delivered in the house, supply what was a little defective, and strengthen what was too weak? He must dissent from a decision, till he knew what was the meaning of their authority and privileges. He found privileges derived from *privatum est*, a private law, an exemption from the power of others; and this must be most accurately defined in its nature and its extent. What was to be found of privileges as anciently claimed? Freedom of speech, and freedom from arrest for members, and for their servants, when coming to or returning from parliament, excepting in cases of treason, felony, and breaches of the peace. Privilege was only exemption, but not power; its object clearly was only to prevent obstruction. If pushed beyond this, it be-

came dangerous: but what was now claimed was different, and contrary to the definition of the word. It had been stated, that it was as necessary to protect the members from libel, as from hissing and hooting them; but hissing and hooting were actual and undeniable interruptions and obstructions. The honourable baronet had not denied the right of removing all obstructions. The learned master of the rolls had maintained the doctrine in favour of the necessity of the *power* of the house, but not as a *privilege*. His lordship wanted to know why it was necessary. Lord Chief Justice De Grey, too, maintained the necessity, in order to enable the house to perform its functions; but nobody denied the power claimed of removing obstructions; and the house had gone on very well without claiming more upon former occasions; as was the case in the instance of Stockdale and of Reeves, where no step of this sort was taken. Another point stated was, that it was necessary that the house should be the judge of its own privileges; but the question was, whether they had a right to judge whether such and such an act was a breach of their privileges. It was argued that all courts had power to punish for contempt, and that, therefore, that house had such power. Contempt was obstruction or contumacy. Lord Kenyon had said that contempts might be committed by persons out of the court, or its immediate verge; and he stated the case of one Birdmore, a sheriff, who was punished for contempt in consequence of a neglect of his duty, which was a different case. Bingley, the printer, refused to answer questions in the court, because he held himself liable to be tried by his peers, and he was thereupon committed to prison, where he remained two years, always persevering in his refusal, and actually publishing fresh offences. Yet, finally, the attorney-general moved for his release, on the ground that he had already suffered a greater punishment than would have been inflicted upon him, had he been convicted and sentenced for his offence. Now from the conduct of Bingley while in confinement, his contempt was continual, and grew greater and greater. That case was somewhat analagous to the present; and in it, the court of King's Bench was ultimately foiled. There were regular modes of proceeding. Hart and White, the printer and editor of a newspaper called the *Independent Whig*, were not committed by the court of King's Bench

for a contempt; they were prosecuted for a libel on that court, found guilty by a jury, sentenced, and punished. In the same way that house had often proceeded. It was said that there was inconsistency in Sir Francis Burdett's voting for the committal of Mr. Huxley Sandon and General Clavering; but in their cases, there was an evident contempt and obstruction. (*Hear, hear!*) The house was then a court of inquiry, and punished them for their prevarication; which was essential to the prosecution of that inquiry. He would say, that their being able to inflict that very punishment, furnished an argument in support of his conclusion, that their power existed only against obstructions. Punishment for a specific time was a power long since given up by that house, and now the confinement ceased at an adjournment: a proof that the power was not for the execution of punishment. They had abandoned all claims to punish for a year, or a week, or a day. A man might at the commencement of a parliament be imprisoned and remain there, parliament sitting for some years, if he made no submission; if at the end of a session, his confinement might be but for a day, however great his offence or contempt might be. This showed that the house had no power to confine and punish, except in cases of obstructions. If submission were made, the party was generally released; but it was very odd, if the power extended to punishment for a libel, &c. that its duration should be so uncertain and ill-proportioned to the offence. "The house assume," said the noble lord, "this power, and we dispute it: and we make our stand on the law of the land, on Magna Charta." The latter expressly stated that "*No man shall be taken or imprisoned*, or disseised of his freehold, or outlawed, or banished, or any ways destroyed; nor will we pass upon him, or commit him to prison, unless by *the legal judgment of his peers*, or by *the law of the land*." He had, therefore, a good right to say to gentlemen—"Shew me the law, and the foundation on which this assumed power stands." It lies with those gentlemen to make that clear. He had other authorities and recognitions, besides those he had quoted. He had resolutions of all the branches of the legislature, the authority of Lord Chief Justice Holt, and even of the crown, in the opinion of King Charles I. In 1642 the house of commons voted, that no court of justice had any cognizance on matters that came under their

authority; but this was a time when they were assuming every other power to themselves. The noble lord then quoted the resolution of the house of lords, in 1704, understood to be drawn up by Lord Somers, in which the right of creating new privileges by either branches of the legislature was condemned. It did not go to the lords' journals to find the privileges of the commons; but it was well to see what their opinions were at that time; and their decision he thought would be found correct. On what ground was the power claimed? It might be said of the house of lords, that it was a judicial court, but that would not do; for they claimed this power in their legislative as well as in their judicial capacity. The commons' house could only claim in their former capacity; and if both these branches so claimed it, why might not the other branch, namely, the king? Were the two houses to have a stronger defence than the crown? They had already the same power to order prosecutions as the crown had; and why should they wish for a greater authority than for the removal of obstructions, under which head, he thought the case which led to the discussion did not fall? The right honourable gentleman had said, that the right was founded on law, and exercised as long back as occasion had called for the exercise of it; and so the house were to determine the law, by a long and undisputed exercise. He went further, and said it had been exercised ever since libels were written. This the noble lord denied. They might have been written ever since the art of printing had been discovered; but it was long after that great discovery before they could find a record of such power being exercised. The first record was of the case of Hall, in the reign of Elizabeth. In the case of Brass Crosby, the Lord Mayor, and Alderman Oliver, members of parliament, the house committed them both, and the court refused their application. But when it was said that the confined party had his right to his habeas corpus, it meant nothing, if it were also contended that he could not have the merits of his case argued before the courts of law. Was it, indeed, to be deemed sound law that the law of parliament should be undefined and unknown to all except to parliament men? The house would recollect that they attempted in vain to commit Wilkes. In the year 1680, there was a remarkable instance of the success of the exercise of this power. The house at that time voted many libels, and committed

one Coleman of Devonshire. They found they were mistaken in the man, and then took the right man, one Stowell, who resisted; and in this dilemma they hit upon the expedient of voting him sick, and adjourned the business to a distant day, which never came. Crosby and Oliver's offence was the release of a printer. Wilkes refusing to attend, the house adjourned till Friday, though his attendance was ordered for Thursday, and so the house got rid of that business. The right honourable gentleman had given up the point of the old law of the country. He could do nothing against Magna Charta. "Nullus liber homo capiatur, vel imprisonetur, nisi per legale judicium pariun suorum, vel per legem terræ." He found only two cases of resistance to this assumed power, and in both those cases, the resisting parties were successful; and this, he thought, should make the house at least cautious in such proceedings. The noble lord then quoted and commented upon several other precedents, and made various arguments against the claims of the house to such a power. The noble lord next adverted to the case of the Kentish petition. The house resolved to go into a committee on Mr. Culpepper's petition to be returned for Maidstone: there was a great diversity of opinion on this point; parties ran very high, and the committee concluded by saying, that Mr. Culpepper, who was one of the petitioners to the scandalous Kentish petition, was not duly returned. As to the case of Crosby, which had been alluded to, the law stated then by Lord Chief Justice De Grey was, that the court could not examine into the law of parliaments because they had no knowledge of it: parliaments, he said, were the only judges of their own privileges. It was the same in the case of Lord Shaftesbury: in which Mr. Justice Rainsford held, that the court could not inquire into the commitment, because the libel was charged as being done *facie curiæ*, meaning when the proceedings of the house were going on. He had said thus much on what had been argued on the law relative to the subject, because he thought the observations ought not to go without a comment, though they bore very little on the case now in question. With regard to the case now before the house, he hoped the house would come to a decision with a grave and sober judgment, and with such feelings as became judges, and not with those attached only to advocates. He feared, however, that many came there more impress-

ed with the feelings of advocates than those of judges. The honourable mover had said on a former occasion, he wished to check the proceedings of Sir Francis Burdett; a second had said, it was time to repress the spirit of jacobinism; a third, that the proceedings of Sir F. Burdett had been very long known; how any of these things were at all connected with the subject then before the house he knew not; and particularly what the honourable gentleman could mean by the proceedings of his honourable friend being long known, he was at a loss to guess. What proceedings could he allude to? He hoped, however, such feelings had on the present evening been left at home, and that the decision of this night would be founded on justice and on reason. It was said by the resolution, that the letter was a scandalous libel on the privileges of the house; he, for his own part, did not think it was a scandalous libel, and as such should move as an amendment, that the order of the day be now read.

Lord Binning said, he did not think it possible to overstate the importance of the paper then under the consideration of the house, because it attacked, in the most gross and violent manner, the just privileges of that house, without a due regard and respect for which they must soon sink into insignificance; because the present were not ordinary times, nor was the honourable baronet, who was the author of it, an ordinary man. The honourable baronet had, for a length of time, in furtherance and support of his favourite child—a reform in the representation of the house of commons—taken every opportunity to blacken the character of the house. From time to time the house had heard that they had not a leg to stand on; and in the course of the last session he had said, that the only place in which the people of England were treated with contempt was in the house of commons. Some persons had, in extenuation of many passages in this paper, said, that they were nonsense; he had no inclination or intention to deny the truth of the observation; but that in his mind, made very little difference. Certain facts stated in a certain way, might be equally mischievous in their tendency and effect, whether done nonsensically or with ability; and if the house wished their privileges should not be trampled under foot, it was high time to assert them. The noble lord had said a great deal on the word resist—but that it meant only humble petitions. He was,

however, of a different opinion, for when this word came to be coupled with and applied to particular passages of the honourable baronet's letter to his constituents, it would appear to mean a resistance much more forcible and energetic, and what was meant to lead to very different results than those of humble petitions. The honourable baronet says, the decision of the house of commons is greater than the law of the land. He says also,

"It is therefore now time to *resist* the doctrine upon which Mr. Jones has been sent to Newgate; or it is high time to cease all pretensions to those liberties which were acquired by our forefathers, after so many struggles and so many sacrifices." "Either the house of commons is authorized to dispense with the laws of the land, or it is not. If the constitution be of so delicate a texture, so weak a frame, so fragile a substance, that it is to be only spoken of in terms of admiration, and to be viewed merely as a piece of curious but unprofitable workmanship; if Magna Charta, and all the wholesome laws of England be a dead letter; in that case, the affirmative of the proposition may be admitted; but if the constitution lives, and is applicable to its ends—namely, the happiness of the community, the perfect security of the life, liberty, and property of each member, and of all the members of the society, then the affirmative of the proposition can never be admitted—then must we be freemen, for we need no better security, no more powerful protection for our rights and liberties, than the laws and constitution. To these laws we have a right to look with confidence for security—to these laws the individual now imprisoned has through me applied for redress in vain. Those who have imprisoned him have refused to listen to my voice, weakly expressing the strong principles of the law, the undeniable claim of this Englishman's '*birth-right*.' Your voice may come with more force, may command greater respect, and, I am not without hope, that it may prove irresistible, if it proclaim to this house of commons, as the tongues of our ancestors proclaimed to the kings of old, '*Nolumus leges Angliæ mutare*,' or in more clear and not less forcible language, 'the laws of England shall not be changed."

These passages, he must contend, meant a resistance far beyond the noble lord's explanation of humble petitions. The honourable baronet had set out with saying

the house had no power to commit; there was, he said, no period in the history of the country in which the house had not enjoyed and exercised that right, though he confessed it had always been exercised with the greatest leniency. His lordship then adverted to the committal of the messenger of the house by the lord mayor in 1771. In that case the house ordered Wilkes to attend, but he refused to do so, unless they sent for him as member for Middlesex. He was ordered to attend on the 8th, and they afterwards adjourned to the 9th, because, for reasons best known to themselves, they did not then choose to enter into a controversy with him. (*A laugh*). In the case of Woodfall, who had published a libel against the Speaker, Woodfall was sent for, and gave up the author, John Horne. Horne was then sent for, but having more wit about him than many other men, he desired to be informed whether he was sent for as a witness, or on a charge. He was told there was a charge against him, and he appeared. He escaped, however, any further notice, because no charge could be made out against him. His lordship said, it would be an abuse of the time of the house to waste more of it, by endeavouring to shew that this paper was a gross and scandalous libel on its character, and a breach of its privileges; the manner in which the honourable baronet had mentioned the Speaker's warrant would be conclusive on the subject. "Let this instrument, this thing *sui generis*, be contrasted with the description above given, of the properties of a lawful warrant. Does it not evidently appear that this piece of unsealed paper, signed by the Speaker, by which an untried subject has been outlawed, bears no feature of legality? And that from the commencement of this proceeding, in its progress and to its conclusion, there is not one single step that has not been marked with disrespect for the laws—a disrespect in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive." There was another passage:—"Then, again, as to the kind of punishment. If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York gaol as to one in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone these lengths yet; but what is there to restrain them, if they are to be the sole

judges of the extent of their powers; and if they are to exercise those powers without any controul, and without leaving the parties whom they choose to punish, any mode of appeal, any means of redress?" There was also a passage in which the honourable baronet spoke of that house as being the lower or inferior branch of the legislature:—"They (the house) have become the proprietors, by burgage tenure, of the whole representation; and in that capacity, inflated with their high blown, fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people." His lordship said, he did not know the meaning of it; but it was certainly very great abuse of the house of commons. The honourable baronet had been pleased to refer to the Roman satirist, who, when lashing the vices of a corrupt country, particularly upbraids the absence of feeling generally exhibited for the sufferings of small men in humble stations. The poor man may lose his goods and all his effects. Should his house be burned to the ground, no one troubles himself about it; but if misfortune touches the great, then all partake of the general sorrow.

"Magna Arturii occidit domus, &c.
"Tunc gemimus casus urbis; tunc odimus ignem."
"Poor Codrus excites no sympathy:"

This (said Lord Binning) is an insinuation the house has never deserved. He had not heard, nor could conceive, that the house ever oppressed a poor man. He could conceive a poor man committing a gross and scandalous libel on the house, and also a powerful man who could write a still more scandalous libel in defence of him; and as the honourable baronet had in the house admitted that libel to be his, he thought it high time for the house to assert its privileges, and he should therefore vote for the resolutions.

Sir Samuel Romilly observed, that when this question was before under consideration of the house, he felt it to be his duty to impress upon it the necessity of allowing time for the fullest deliberation of so important a subject. Since that period he had given it all the attention within his power: yet after all the consideration that he bestowed on it, he must say, that if it was true, as had been stated by gentlemen opposite, that he was the only per-

son who entertained doubts; of those doubts he was not ashamed. (*Hear, hear* !) He had now to congratulate the house upon the disposition that was manifested to meet the discussion with that temper and deliberation suited to its importance. He congratulated it upon the change which had taken place in its tone and feelings upon this question. They had not that night heard of carrying it with acclamation. There was happily a cessation to those warm, indignant, and intemperate emotions, under the influence of which many were disposed on the former occasion to precipitate the decision. The result of such a satisfactory change must be, that though the decision to which the house would now come, should be the same decision as it would have pronounced upon the former night, still it was impossible, but that the house must declare its determination, in a manner much more creditable to itself, as well as more calculated to acquire that respect from the people, which, upon every principle, was always to be desired. In taking into its consideration the nature of the publication complained of, the house had two questions to discuss: First, whether it was a libel, and, next, whether it was expedient to acquiesce in the resolutions proposed. For his own part he was free to admit, that he still entertained doubts; first, whether this publication was a libel; and next, that it entrenched upon the privileges of that house. In order fairly to consider the full bearing of the question, it was absolutely necessary to review it, from the very circumstance in which it originated, to the motions now proposed. Such a course was absolutely necessary before they could pronounce against the present publication. The honourable baronet who was the author of it had complained of a proceeding of that house against a subject of these realms as, in his opinion, highly illegal. Another honourable member of the house, indignant at such complaint, has submitted certain resolutions, declaring the conduct of the honourable baronet a gross and scandalous offence. The house, therefore, before it could pronounce upon the present paper, must be aware that it could not, without a strange departure from justice, do so, without considering the nature of the other case, namely, its right to commit Mr. Jones. Whatever impression, therefore, some expressions in the publication of the honourable baronet may probably make, if in the main view of the original question, that was, the imprison-

ment of Mr. Jones, he (Sir Francis) should turn out to be right, surely such a conclusion must have the effect of mitigating the impropriety of any strong or offensive observations into which, in arguing such a serious subject, the honourable baronet may be led. (*Hear, hear!*) Upon that original question, namely, the right of this house to commit for libels, reflecting upon its proceedings, he (Sir Samuel) would proceed with great justice and candour to state the doubts he entertained of the legality of its exercise. Perhaps it would be a more appropriate expression to say, that he doubted its justifiableness, the term illegal not being properly applicable to a body which was not under the controul of any superior jurisdiction. Whatever, therefore, were its acts—whatever view it interpreted its privileges, he was convinced that if even it proceeded in error, that error could alone be remedied in that house. The very extent of such a power should, of itself, advise the most scrupulous forbearance in carrying into practice privileges dependent upon very dubious grounds for support. With respect to the right of committing for a libel, therefore, it would ill become him, knowing that the house so lately decided differently, to give his opinion without some diffidence. Had not that case been so prominently before him, he would not limit his expression to the term doubt, but would at once say, that he thought the commitment for a libel reflecting upon the past proceedings of that house, was unjustifiable. When, therefore, such an opinion was entertained by any part of that house or of the country, it was to be recollected that there was at present a person suffering under the exercise of the disputed right, and therefore it became a duty particularly to review the merits of that individual's case. Taking for granted, indeed, it has not been denied, that the warrant under which Mr. Jones was committed, was strictly copied in the publication of the honourable baronet, that warrant set forth two offences—first, a scandalous and libellous attack upon the conduct and character of that house; and, secondly, a similar offence against the character and conduct of some particular members. With respect to the first head of offence, although he looked with the most inquisitive attention to the publication for which Mr. Jones was committed, he must contend, that in such paper there was not a single expression reflecting upon the conduct and cha-

racter of that house. It most certainly complained of the conduct of two members of that house, and in making them the subject of a discussion in a debating society, putting them on their trial before persons who had paid their shilling for admission, and subjecting them to be arraigned by those who gratuitously displayed their eloquence in the accusation of such characters, was very reprehensible; but still it could not be construed into a libel against the character of that house. For what were the words of Mr. Jones's publication?

WINDHAM AND YORKE.

BRITISH FORUM, 38, BEDFORD-STREET, COVENT-GARDEN, MONDAY, FEB. 19, 1810.

Question:—Which was a greater outrage upon the public feeling, Mr. Yorke's enforcement of the standing order to exclude strangers from the house of commons, or Mr. Windham's recent attack upon the liberty of the press? The *gravamen* of the complaint was for enforcing the standing order for exclusion. Such enforcement was the act of the individual and not of the house. (*Murmurs from the ministerial benches.*) From the manner of the gentlemen opposite, he perceived, that they did not concur in his inference. He, however, felt convinced that his observation was justified by the understood practice of that house. He was fortified in that opinion by the authority of the chair, when on a recent occasion (the discussion of the bye-law of Lincoln's-inn), it was communicated to a right honourable friend of his (Mr. Windham), that the propriety of enforcing it could not become a question of debate. The only point in which the house gave its concurrence, or was at all consulted, was upon the first day of the sessions, when it agreed to the standing order. But the succeeding paragraph of the paper fully proved, that in the contemplation of the author, the censure expressed did by no means apply to the house but to the individual member. That paragraph was as follows:

"Last Monday, after an interesting discussion, it was unanimously decided, that the enforcement of the standing order, by shutting out strangers from the gallery of the house of commons, ought to be censured as an insidious and ill-armed attack upon the liberty of the press, as tending to aggravate the discontents of the people, and

to render their representatives objects of jealous suspicion."

Observe, then, how carefully, and in what a jealous manner the opinion which the sentence went to convey, is expressed. (*Hear, hear! from the ministeral benches.*) Why was it so guarded; only to prove that its censure went to affect the individual members, and was not at all intended to apply to the character or conduct of that house. Moreover, it was evident, that the censure was not levelled at the order of that house. No such intention could be supposed. The attack was made upon its enforcement at that most particular moment when the public mind was vigilantly directed to the proceedings of parliament; and as that enforcement could only be the act of an individual, it was impossible to say that in the publication there was a single syllable affecting the character of the house, unless it was attempted to be held that its character was committed with the conduct and character of every individual member. Though such was his sincere conviction upon that part of the case, he trusted that no person would consider him as in any degree justifying the nature of this attack upon these two honourable members (Messrs. Yorke and Windham). He would go further, and state his opinion, that such a publication amounted to a libel against the individuals mentioned, and inasmuch as it imputed by inuendo very improper motives to their conduct. But then, in reverting to the warrant under which Mr. Jones was confined, it would be found, that though one branch of his offence was stated to consist in libelling the conduct and character of particular members, still it was not specified that it was for conduct pursued by them within that house. Next, with respect to the remedy which a person so committed possessed. Although it was true, as in the case of Alderman Crosby, that the courts below would not interfere, upon the ground that they knew nothing about the privileges of parliament; yet, if such was specified in the warrant of commitment, what those privileges were, and in what their alledged violation consisted, was it not reasonable to presume that the individual might be relieved by habeas corpus? Suppose, for instance, that a man was committed by the house for saying, that bank notes had depreciated in value, and that they had chosen to declare it a breach of privilege. Would it be maintained that such a person would not be relieved by habeas corpus.

Indeed, from every view which he was able to take of the question, he could not restrict himself to say, that he merely doubted, but must avow that he entertained very strong doubts of the power of that house to commit for libels affecting its past proceedings. He, at the same time, fully admitted that such a right was possessed by them, in order to punish all breaches of privilege which went to obstruct the performance of their many sacred and important duties. Such obstructions must not operate in an indirect way, they must at once tend to produce that with which they were charged. There were numerous cases where the authority of the house would be debarred, unless it had the power to prevent these direct impediments to the exercise of its duties. Such were the refusal of witnesses to attend, or answer interrogatories put to them. Such were all attempts to intimidate members in the votes they should give. Unless the house had, in such cases, the power of proceeding by the summary way of commitment for contempt, there could be no unbiassed decision. The power of commitment for censuring was far different in its nature and consequences. Is was in contradiction to the most sacred and important principles of positive law. It confounded in the same tribunal the discordant characters of party—accuser and judge. It deprived the accused of that which every legal jurisdiction secured to him the power of being heard in his own defence. *(Hear, hear!)* It went to decide upon the conduct of the accused without suffering him to state his own construction; and in his absence, the judges who were to decide, were each engaged in putting an aggravated interpretation upon his meaning. He who must best know what he himself meant, was refused to be heard, and the construction of those who were ignorant of his motives and meaning was to be substituted. Was there, he would ask, one judge in the courts below who would deny to an individual thus situated the right of being heard in his own defence, or in the denial of such a right, would venture to adopt his own construction of the conduct of the accused? Let the house pause, and reflect upon the course it was now adopting! Let it recollect that it was proceeding against the honourable baronet without having examined a single witness, without the power of examining upon oath, as judges of the law and of the fact, and without that power of appeal being allowed, which the accused in all the ordinary courts of justice possess.

(*Hear, hear!*) But even, allowing that in very extraordinary cases this power should be vested in the house of commons, still he would contend that where the necessity ceased, there the privilege ceased also. In the case of Mr. Alderman Crosby, what was the language of Chief Justice De Grey? He argued that such a power was legal because it was necessary. Was it not then strictly justifiable in him to assume the converse of that proposition; namely, that, when it is not necessary according to the interpretation of that judge, it was not legal? Where then was the necessity for putting into practice a disputed privilege for an alleged offence, cognizable by the courts of law? a right honourable gentleman on the former night of this discussion, had stated that the powers of that house were not to be circumscribed by the exact and artificial rules of evidence, observed in courts of subordinate jurisdiction. The rules upon which he (Sir Samuel) conceived that house were bound to regulate their decisions, were comprehended within no such definition. They were rules above them and all courts whatsoever, by which, from the fallibility of human nature, all its tribunals should be governed.—The Being that had the power to dispense with them was far above us, uninfluenced by the prejudices of human passions, or the wanderings of human reason. It was often repeated by the gentleman opposite, that for the exercise of this privilege the precedents upon our journals were innumerable. He would be glad to know where they were to be found, in order to ascertain the analogy. The first case in which this privilege of committing for libels upon past proceedings, and which the Chancellor of the Exchequer had cited as a precedent during the former debate, took place, in the year 1580, against Arthur Hall. It was indeed rather extraordinary to refer to such a period for precedents, and not less to fix upon that particular case. One should have thought that the reigns of the Tudors were not the times best calculated to illustrate the sacred security in which our ancestors had held the privileges of parliament, and the liberties of the people. (*Hear, hear!*) One should have supposed, at least, that those, now so tenacious of the privileges of that house, would be slow in referring to the reign of a monarch, who told the house of commons not to trouble itself with matters of state; and who, upon another occasion, dispatched a messenger to that house, commanding it not to

proceed further in a public transaction, in which it was engaged. But reverting to the case of Hall—he was not alone sentenced to an imprisonment for six months, but fined 600 marks, and was to undergo a further undefined imprisonment, unless he should make such a retraction as suited the taste of his majesty's chancellor of the exchequer, comptroller of the household, and the two secretaries of state. If then such a proceeding was the precedent for that house to proceed in the present case, were the honourable gentleman opposite prepared to act upon the whole case, because, most certainly, if from such authority they drew the right to commit, why inflict fines, and demand retractions suited to the taste of his majesty's ministers, under pain of continued and unlimited imprisonment? If the existence of precedents was all that was wanted, he could refer them to many—to cases where the house of commons had adjudged persons for a breach of its privileges to hard labour in jails, to imprisonment for life, and to the case of two men, who were placed upon the same horse, with their faces towards the tail, thus exhibited to the derision and contempt of the populace. Still there was no analogy in the breaches of privilege thus punished and in the case of libel. Indeed, there was the authority of Mr. Hatsell, that from the period of Hall, until the time of the long parliament, an interval of sixty years, this privilege against libel was not called into practice. And it was most mistaken language to call these cases precedents, in the legal signification in which that term was understood. They were no such—they were the mere exercises of authority, and not the solemn decisions of a judicial tribunal, upon a case fully and temperately argued and decided upon. He knew very well that in the year 1659, in the struggles between that house and the house of lords, resolutions of a strong nature were adopted by the former. It was then

"Resolved, That to print or publish any books or libels reflecting upon the proceedings of the house of commons, or of any member thereof, for or relating to his service therein, is a high violation of the rights and privileges of the house of commons."

But surely it was not upon a resolution of that house they would proceed to invade the liberty of the subject. The learned gentleman next proceeded to the modern cases of Crosby and Flower. He contended, that they

were no authorities for the present case. In the former there was no publication, and it of course decided nothing. Neither did the refusal of the judges prove any thing in support of such privileges. They refused to interfere, because they were ignorant of them. They considered them as described by Sir Edward Coke, as those privileges looked after by so many, but which no man could find. That no judge could discharge an individual charged in execution by another court, and that it was impossible to relieve those who sought their remedy by another law than that by which they were committed. With respect to the case of Flower, the editor of the Cambridge newspaper, he was committed by the house of lords, for a libel on an individual of that body (the Bishop of Landaff), and ordered to pay a fine. Was the house in the present case prepared to say, that was an analogous precedent?—Would they say that they possessed the right to fine as well as confine? But the right honourable the Chancellor of the Exchequer had adverted to the opinion of Lord Kenyon, when an application was made to the court of king's bench, in behalf of Flower, for a habeas corpus. That noble lord did then think proper to introduce into the preliminary observations to his decision, that if ever the time should come that any malignant, any factious, any bad man, should wish to overturn the constitution of the country, the first step he would take, he dare say, would be by attacking the courts of justice, and the privileges of the houses of parliament. (*Loud cries of hear, hear! from the ministerial benches.*) Will the hon. gentleman continue their cheering when they learn that the noble judge thought proper to introduce this observation upon the case of a man committed, not for an attack upon the privileges of any court of justice, or of either house of parliament, but for a libel upon an individual. Indeed, whoever reviews those observations of that noble lord (Kenyon), in which he stated his refusal to the application for a *habeas corpus*, cannot consider it as the calm, deliberate, sober determination of a learned judge, sitting in judgment upon the personal liberty of a subject. When the following observations, with which he concluded, was fully considered, it was impossible to allow such a precedent to have weight with any unprejudiced tribunal. "Having heard it argued, I am of opinion that the party must be remanded—beyond all doubt, unless we wish to

overset all the law of parliament;—unless we choose to lend our hand to do that most sacrilegious act, to endeavour to overthrow the constitution of the country, this person must be remanded. That could only be considered the language and decision of one member of that body, whose commitment was complained of, and of one judge, for it did so happen, that when the case was argued, Mr. Justice Lawrence was absent from indisposition, and Mr. Justice Le Blanc sat at Nisi Prius, in Guildhall. It was upon these grounds that he (Sir Samuel) entertained such strong doubts of the justifiableness of that privilege, which went to declare as libels, all censures upon the past proceedings of that house. There was no man who would deny that that house ought to be under the control of public opinion. When, therefore, the expression of a popular and constitutional jealousy chanced to wander into libel, the trial of the offence ought to be submitted to those tribunals, where those that were to pronounce the verdict were neither parties nor accusers. So impressed was he with the purity of such doctrine, that he felt it to be his duty, at no remote day, to move for the liberation of Mr. Jones, without expecting him to present that kind of petition which has been considered usual on such occasions. Sir Samuel Romilly, in continuation, observed, that it could not reasonably be considered as necessary that a person committed should consent to a formal abjuration of the opinion which had given offence, before he was discharged. This was not thought necessary in any civil court, though abjuration might be required in the spiritual courts. Could it reasonably be required that a man should consent to his own humiliation, so far as to acknowledge, for instance, that he had prevaricated? and here he alluded to a case that occurred last session (that of General Clavering, perhaps), where the person committed had refused to make any such declaration, and that at least, in his opinion, did him honour. Such men might very possibly believe themselves innocent; and whatever the house might induce them to declare, they could not make them alter the opinion. But this was not directly to the present question. Thinking the author of the paper complained of right in the main proposition, though he confessed that the language appeared to be in some parts intemperate, he could not agree that it deserved any censure at all. Some of the passages he did not well understand, but he could not there-

fore join in the opinion of the noble lord (Binning) who owned that he did not know their meaning, but still thought they must mean some abuse of the house. (*Hear, hear!*) If the honourable baronet really thought that an injustice had been committed in imprisoning a British subject, it could not have been expected that he should speak of this with perfect calmness, and there some allowance was to be made. There was a case, which if it had been that of an individual, he would have cited in the way of an argumentum ad hominem. The house of commons in the case of the Aylesbury election, in a paper of reasons drawn up by a committee, agreed to by the house, and sent up to the lords, had used language much more violent to the house of lords than any that had been used respecting themselves in the publication now complained of. He read an extract from the paper, which was in substance—"that the house of commons did not wonder that their lordships, after the encroachments which they had made upon the constitution, now wished to overturn the whole frame of it; that the house found that under the specious pretext of a regard to public freedom, their lordships endeavoured to draw the determination of liberty and property into the bottomless and insatiable gulph of their own privileges, which tended to swallow up the rights of both crown and people." He asked whether there was any thing in the publication now complained of equal to the violence of this language? If a private person had made use of the language he had just quoted, it might have been justly said, that it was not for him to be rash in complaining of intemperate expressions. (*Hear, hear!*) He next adverted to the invidious reference which had been made to the past conduct of Sir F. Burdett, he not being there to defend himself. Such an irregular proceeding would of itself, in a court of law, be considered, if persevered in, as a contempt. The honourable baronet was to him a total stranger, except in as far as he had observed his public conduct; and therefore it could not be supposed that he was influenced by any other consideration than a regard to duty. It had been remarked by an honourable and learned judge (the Master of the Rolls), that the question had been forced on the house. This would have been correct if it had been asserted of any of the courts below—They must decide if their opinion is called for. Their rule was fiat justitia—they must pronounce whatever might be their opi-

nion of consequence. This house was under no such obligation. It was not bound to decide because an individual reading a publication in the morning, which appeared to him very offensive, had brought it in the evening before the house—and he thought this a case on which it would be better not to adopt any proceeding, even if, by a severe construction, it could be contended that privilege had been violated. In matters of authority, as well as in religion, severity against heresy only served to increase the number of its disciples. After the late decision of the house, this was no time to provoke discussions respecting its authority. (*Hear, hear!*) He did not mean to say that gentlemen had not voted conscientiously on the subject of the expedition to the Scheldt; but unfortunately in that instance its decision was contrary to the opinion of the nation in general. He asked whether gentlemen themselves were not satisfied that this was the case? (*No, no, no!*) He concluded by observing that he would vote for the order of the day.

Mr. Stephen, when he heard the able and eloquent speech of his honourable and learned friend (Sir S. Romilly) to which he had listened with admiration, if not with conviction, felt that the account he gave of what he stated on a former night was correct, viz. that he doubted whether this was or was not a libel. He gave no decided opinion on that occasion, and there was hardly any thing in what he had just said inconsistent with his manly character. If any thing could have added to the respect he felt for him, it would be the contemplation of the generosity with which he supported the cause of one whom he conceived to be an injured individual in opposition to what he understood to be the general opinion of the house. But the last topic which his honourable and learned friend had introduced, had better have been omitted, as it tended to provoke disunion, and prevent the influence of his own argument. Even though it were admitted (which he did not admit) that the decision of the house on that late inquiry, was contrary to that of the nation in general, it did not therefore follow that the house should abstain from supporting its own privileges. If it were true that the house had fallen into discredit, it was not likely to be raised again, by the admission that a British subject had been unjustly committed with the assent of both sides. His honourable and learned friend was not present at that time;

but then he was too well convinced of his love of justice to doubt, that if he had thought the act wrong, he would have taken the earliest opportunity to move that the prisoner should be discharged. He had listened with peculiar attention to the speech of his honourable and learned friend, because he expected to have found in it something precise upon a point which the noble lord near him (Ossulston) had left in a very vague state, namely, as to the bounds between what is, and is not, a libel. He had endeavoured, but in vain, to ascertain whether his honourable and learned friend did or did not think this publication libellous. (*Hear, hear!*) If he did not consider it a libel, then the greater part of what he had said was relevant; if he did consider it in that light, then the greater portion of his elaborate argument did not apply. His honourable and learned friend meant to say that this was no libel; what he must defend was the assertion; not that the house had no power to commit for censure on their past proceedings, but that it had no power to imprison in any case. The argument was, that the house had no right to commit in any case without a trial. The assertion was, not that the house had erred in the exercise of a just right, but it was argued syllogistically, that the house had no right to fine or imprison in any case. His honourable and learned friend, however, admitted, that, in certain cases, the house had the right of committing to prison. His honourable and learned friend had said, that he would move that Mr. Jones should be discharged. If he could bring the house to agree with him in discharging the prisoner, upon the ground that the house had no right to commit him, then he (Mr. S.) thought that he ought not to stop there, but that he ought to move for an address to the crown, to make some compensation to Mr. Jones for the time he had been imprisoned. He (Mr. S.) did not think the house would agree to discharge him on any such ground; but if it should, then he himself should think it his duty to move for an address of this kind. His honourable and learned friend had next discussed the question, whether Mr. Jones had been properly committed? Those who argued that his commitial was unjustifiable, appeared to him to deny the principle on which the argument in his opinion must rest. He did not know how to defend the justice of the act, except upon authority, and the custom of parliament. This, however, in his opinion, was the obvious and proper

ground; and being borne out by the best authorities, and the custom of parliament, he had no hesitation in saying, that the proceeding was completely within the jurisdiction of the house. His honourable and learned friend, however, had rejected authority. He had arraigned Lord Kenyon of precipitation in the case of the King and Flower, and had laboured to overturn the authority, upon a ground which had been generally considered as adding strength to an authority, namely, that the judge had immediately declared the matter to be so clear that it was not necessary to hear it argued at length. He had not been able to find in the pamphlet itself the reasons for setting aside these authorities; but now, precipitation in a judge, deciding upon a great constitutional question, in which the liberty of the subject was so materially concerned, was specifically alledged. Supposing, however, that this objection could have availed, how could his honourable and learned friend get rid of the decision of the court of common pleas? That court had decided in the same way in the case of Crosby, and had expressed its opinion in the strongest and most distinct language. The judges stated that they could not take cognizance of the case, as it depended not on the common law, but on the *consuetudo parliamenti*—the custom and law of parliament, of which the houses of parliament themselves were the judges. This case of Crosby, therefore, he contended, was a clear and distinct authority for the steps that had been taken in the cases of Flower and Jones. The modern authorities had been denied, for no other reason that he saw, except that they were modern. But even the ancient authorities had not been fairly stated. The honourable baronet had in his pamphlet reasoned syllogistically on the remarks of Lord Coke, that no court, not of record, had the power of fine and imprisonment. Now Lord Coke applied this only to the ordinary courts, as evidently appeared from his fourth institute, where he stated that the judges were not to take cognizance of the decisions of parliament, which were governed not by the common law, but by the custom of parliament. And in another part of the same institute (page 23) he said, that the house of commons had the power of judicature, and he cited cases from the time of Elizabeth to prove this. But then his honourable and learned friend had maintained that little weight could be allowed to authorities taken from times when the house was treated with no great respect by

the sovereign. The argument would have been good for something if this question had related to the prerogative of the crown. But it was nothing with reference to the subject now under consideration—the power of parliament in defending its own privileges. The inference was rather in favour of his (Mr. Stephen's) view of the subject. The power was so clearly understood that the house had exercised it, even at a time when it was so narrowly watched by the crown. His honourable and learned friend had relied on the case of Mr. Hall, cited by Lord Coke; and contended that the additions there to the punishment of imprisonment rendered it of no avail as a precedent. But it did not follow, because there were circumstances connected with the exercise of the authority of the house in that case, that the house had no power to commit at all. Mr. Stephen then mentioned another of the cases, where a man was committed for assaulting a member of the house. All these were cited by Lord Coke, to shew that the house had the power which the honourable baronet denied. As to the inference deduced from this not being a court of record, Mr. Stephen expressed his surprize that of all men Lord Coke should have been cited in support of that argument—when it might have been found by an examination of Hatsell's precedents, that Lord Coke had wished that the tongue might cleave to the roof of his mouth who said that this house was not a court of record, or that it had not the power of judicature. It unquestionably had that power, Lord Coke said, in certain cases. Now it was not fair, Mr. S. contended, to publish partial citations so as to make the public imagine that so great an authority as Lord Coke was in favour of those who argued that the house had no power to imprison. The modern decisions, he believed, were admitted to be on his side. He understood his learned friend to have said, that the courts below did not commit for libels as contempt. To disprove this, Mr. S. cited Blackstone, who stated that the courts had the power of summary committal generally for any attack on the past conduct of the judges in the discharge of their duties. This would have been a strong authority in his favour as far as analogy went, even if no precedents had existed. Mr. S. expressed his astonishment that those who were peculiarly attached to the democratical part of our constitution, should be willing to allow this house to be trampled upon, or to go begging to the courts of law, con-

nected as its privileges were, with the support of that constitution. He had not heard this question met at all upon its principles and merits. If the house must go to the courts of law for the protection of its privileges, then the judges appointed by the crown would be the arbiters of these privileges; for, though not now removable at the pleasure of the crown, the judges were still appointed by it. They, however, would no doubt act with impartiality; but then an appeal would lie to the house of lords, and then the privileges of that house would depend upon the other house of parliament. With respect to the decision on the inquiry he did not think the public in general differed from the house. The public had discovered by the inquiry, that their previous opinions, with respect to the commander, had been founded in delusion and calumny. They had perceived that their first impressions were erroneous, when they found the commander completely exculpated by one of the resolutions proposed by the gentlemen on the other side. Nor would the public now think that they were wrong in supporting those principles which had been sanctioned in the best of times, and which had been found necessary in order to enable the house to protect the liberties of the subject. If the millers of Isleworth were to send representatives to that house, who would agree to give up the power of imprisonment, the house would have no authority to compel the attendance of witnesses, or to force them to give evidence;—Sandon and Clavering would have escaped, and the most important functions of the house would be at a stand. He even called upon those who might think that the house laboured at present under public disapprobation, to support its privileges in the hope of better times in future. His honourable and learned friend had said, that he knew nothing of the honourable baronet, except in his public capacity. He (Mr. Stephen) was also subject to that disadvantage. But could any member have in this case any other feeling, than that of a regard to duty? If they had any particular sympathy, it must be with the party accused. He was a member of the house, and it might be his own fate to incur its displeasure. As to the argument, that the members were judges in their own cause, he asked his honourable and learned friend, whether he was not in the habit of applying to the court of chancery for committal for contempt, in cases where the contempt was so very oblique as that of marrying a ward of chancery? In cases of commit-

ment by one court, no other would interfere, and though he was hardly called upon to meet an extreme case, he would say, that even supposing the house did commit for alledging that bank notes were depreciated, no other court would interfere, if it was stated in the warrant that the commitment was for a contempt, as this would be taking upon itself to decide upon the privileges of one of the houses of parliament. Mr. Stephen then proceeded to observe upon the unfair treatment which he thought the honourable gentleman, who brought forward this business, had met with from the gentlemen opposite. It had first been laid to his charge, that he had been guilty of the offence of consulting with the minister. When the honourable gentleman denied this, then the charge was turned upon the seconder; and when he too denied it, then the honourable gentleman was arraigned for not having consulted persons of experience before he brought a matter of such importance to the notice of the house. The affair, however, was now before them, and they must proceed upon it, however inconvenient that might be. They could not pass it over without exposing themselves to be trampled upon and despised altogether. He recollected a story which he had heard abroad applicable to their present situation. A person of the name of Murray (or Murphy), who, to distinguish him from another of the same name, was called Irish Murray, had suffered himself to be most unmercifully beaten by one of inferior strength without resistance. A man met him the next day with his arm in a sling; his eyes black and blue; his teeth knocked out of their places, &c. &c.; and said (though, by the bye, there was some doubt, whether he was an Irishman), "Why, you are a disgrace to your country. You are the first coward that ever came from Ireland." The bruised man replied, "My dear crature, I wish to take the world aisy." Now this was a wrong application of a correct principle, for the man was much more severely beaten than he would have been if he had defended himself to the utmost of his power. The house, by passing this over, would be in a worse situation than it could be reduced to by taking steps for its own defence. Mr. Stephen then denied that Magna Charta was disregarded by those who contended for this power in the house, because it did not apply to cases of contempt. The house, he asserted, was acting with lenity, because the publication had

found its way into various newspapers, and was industriously circulated. Several further complaints might therefore have been made on the same ground as the present. This view of the matter then was, that this was an unfortunate occurrence, but one upon which they could not help coming to a vote.—What proved the necessity of this, if other proofs had been wanting, was the fact, that it had been argued that very night—that the house had not the power, because it had not exercised it in its full extent, in the case of Wilkes. If then the house should consent to pass over this affair to-night, they might justly be considered as having renounced the whole power of commitment in future.

Mr. Adam said, that it was by its privileges alone that the house of commons, the guardians of the public liberty, had been able successfully to struggle against the assumptions and acts of tyranny of James the First, Charles the First, and Charles the Second. That house was armed with nothing but its privileges when it contended with Charles the First, and when, through blood and war, it resisted royal encroachments. He conceived that it was a mean, pitiful, and paltry ground which was taken by Sir Francis Burdett, in arguing on their power of committal, when he said it only extended to those contempts committed in their presence. If the house of commons could commit for no other offences than what were committed in their lobbies and in their gallery, they would in fact have no more power than any constable of the night, who has the power to put a drunken man into the watch-house. (*Hear, hear!*) Was it to be said that the powers of the house of commons extended no farther than that of the constable?—(He then cited passages from Blackstone, and from the opinions of Justice de Grey and Justice Gould, favourable to his doctrine.)—The house of commons had always made a noble stand for its privileges, which were the privileges of the people, and they ought not now to abandon them. The vote of the other night had nothing to do with the paramount duty they had now to discharge. In the year 1774, Mr. Woodfall had been brought to the bar, for a contempt of this house, expressed in a libel, and he gave up as the author of that libel, the Rev. Mr. Horne. (*Hear, hear!*) That gentleman did not then think (whatever he may advise now) of disputing the privileges of the house, but pleaded

not guilty. As he did not confess his being the author, a long and most acrimonious debate took place upon the subject; and although the house was full of men of distinguished talents, and warm friends to liberty, yet it never occurred to any one person in the course of the debate to question the privilege of that house, or their power of committal. He would say, most confidently, that from the resolutions which were voted in 1701, to the discussion in 1774, the privileges of the house had never been seriously questioned, and for this long space of time the usage was uninterrupted. He believed he might, with equal confidence, call upon the gentlemen who took the other side of the argument, to shew whether any thing had taken place since 1774 to question these privileges. Although Lord Chief Justice Holt was very singular in some of his opinions on this subject, yet he never had denied the right of the commons to commit for contempt. The honourable and learned member then referred to a letter of Mr. Fox, to shew, that though the house of lords, like every other court of justice, had the power to protect its proceedings by commitment, yet the house of commons had the right to commit for contempt. This authority he considered as conclusive as to the privilege of the house of commons. He was disposed to pass over the case of Gale Jones, in this instance, without any observation; but he could not but contend, that if the house of commons could be libelled collectively, it could not be libelled individually without injury. He should call upon gentlemen to consider the whole of the case. Was it consistent with their privileges, that Sir Francis Burdett should state to the public, that they had no right to imprison persons not members of their house? Another ground of complaint which he felt against the honourable baronet, was the doctrine which he maintained respecting the Speaker's warrant. Were they to be told, that, because it was not granted upon oath, nor with a seal annexed, the warrant of the Speaker was not founded upon any legitimate authority? The authority of the Speaker's warrant, he contended, was supported on the practice of the constitution. No objection had ever been made to its validity in the case of Lord Shaftesbury, or in the time of Charles II. The house had at all times exercised the right to vindicate its powers in that respect. They might have gone rather farther in the case of Mr. Jones than

perhaps they ought; but still that was no reason why they should not adhere to their fixed privileges. He thought that there was something contumelious to the house in the manner in which the question had been treated in the paper under consideration, and that the house, if it were not to act upon it, ought not to have noticed it at all. In declaring this, he was not actuated by any timidity, because whatever might be the question, he was prepared to give his vote upon it without any apprehension. But though the publication under discussion should be voted libellous and slanderous, it would not follow that any further proceeding should be founded upon that vote; and in illustration of that opinion, referred to the case of Major Scott, in which, after two debates, the publication was voted a libellous production, though no other proceeding followed. The honourable and learned gentleman then referred to other cases, and after pronouncing a just eulogium on the virtues and uses of the commons house of parliament, concluded with the classical exclamation, as applied to it, "*Esto perpetua.*"

Sir Samuel Romilly, in explanation, stated, that he had never said or maintained that the doctrines asserted in the paper under discussion were not a breach of the privileges of that house. Any thing that obstructed their proceedings must come under that description, but the only doubt he had was as to the libel.

Mr. Whitbread then rose and said, that he hoped for the attention of the house to a few observations, and was happy to bear his testimony to the legal and constitutional sentiments delivered by his honourable and learned friend who had just sat down. But great as was his respect for that honourable gentleman, and unlimited as his reverence and love were for the authority (Mr. Fox) which he had quoted, he must still be allowed to say, that he had not been convinced by the arguments of his honourable and learned friend. Had it ever been contended that the house was to abandon its privileges? No. Whatever might be the wish of any member as to the reform of these privileges, no man deemed them of more value than himself; no man thought more highly of them. He considered any breach of the just and legitimate privileges of that house, as a direct assault upon the liberties of the country; and, consequently, he was not to be told, that in order to support the privileges of that house, they

were called upon to condemn the letter of Sir Francis Burdett. The privileges possessed by the house had been given for the benefit of the public. Without such a power, how could the ordinary business of the house be conducted? How could the chairmen of its different committees proceed? He had himself, as chairman of a committee, exercised the authority given by the house in sending for papers, persons, and records. The orders of the house were, in such cases, uniformly obeyed, as they must be obeyed, or there would be an end of the liberty of the country. His honourable and learned friend had expressed some doubts as to the propriety of the commitment of Mr. Gale Jones, and thought that case ought to have been considered with some latitude. Whatever might be the weight attributed to Mr. Justice Blackstone's authority, no man could have higher claims to attention for constitutional doctrine than Mr. Hargrave. His honourable and learned friend had adverted to a private and unpublished letter of the late Mr. Fox, as an authority for his argument. From that letter he should beg to state, as the opinion of that great man, of whom no man thought more highly than himself; "that the house of lords, no more than the house of commons, had a right to commit persons, and that it was a matter of regret that the lords had been suffered to exercise that right by the house of commons without reproof." Upon this authority then it appeared, that so far from claiming the privilege itself, the house of commons was considered as deficient in duty for not having expressed any reproof of the lords for having exercised the power. But the honourable and learned gentleman opposite (Mr. Stephen) had asked whether it was their wish to go back to the times of Queen Elizabeth. He felt no disposition of that description, but if they were to refer to the practices of such times, he was much afraid that principles of tyranny were contagious, and that no benefit could possibly result from the retrospect. He must again repeat, that their privileges had been given with a view to the benefit of the people, and should never be exercised but for the purpose of promoting that end. And here he felt bound to state the difficulty arising out of the case of Mr. Gale Jones. They might have proceeded against him in a far different way, though they had thought proper to commit him. The libel of Mr. Reeves, which

had been alluded to by an honourable friend of his, had been voted by that house most libellous and slanderous, and though one gentleman proposed he should be taken into custody, and another that his libel should be burned by the common hangman; yet while two of the ablest men that ever existed were present, the case was referred to the attorney-general to prosecute, and the consequence was, that the individual was acquitted. His honourable friend had, he thought, not treated the honourable baronet fairly, when he referred to Mr. Horne, and charged the honourable baronet with disseminating that gentleman's opinions. That might be a good argument as against an individual, if just, but would not go for any thing upon the general principle. But to return to the authority of Mr. Fox, it was the opinion of that great man, that every court, which appeared to claim beyond what was necessary for its proceeding, usurped that power. Was there any case in which the house had gone farther than in the case of Gale Jones? It was the opinion of Mr. Fox, that the house of lords could not exercise that power, because there was no appeal but to the legislature, of which that house was a part. But was not the house of commons equally a part of the same legislature? Nothing could induce him to vote that the paper under consideration was a libel. But upon this subject he should admit, that he did not think that the honourable gentleman, who had brought forward the question, had lent himself, or would lend himself as a tool to any administration in the proceedings which had taken place. He begged of the house to consider the steps by which the business had proceeded. It had been said, that he had not voted that Gale Jones was not guilty of a breach of privilege, and he took shame to himself that he had not asserted on that occasion what he now felt to be right. In the paper under discussion, Sir Francis Burdett only exercised a right which belonged to him and others, to state his opinion upon a public subject. That he may have done so in intemperate language, he was not prepared to deny; but Mr. Gale Jones had conducted himself at their bar respectfully and with decorum. The honourable baronet (Sir J. Anstruther) had then an opportunity of stating his sentiments upon the subject; he had another opportunity when the motion of his honourable friend was brought forward for the discharge of Mr. Jones. The

subject under consideration he was not desirous of having been brought forward. There was no man, he was sure, who would not wish it had not been brought into discussion. He coincided with the right honourable gentleman (the master of the rolls) and others who cautioned the house against getting into difficulties whence it could not easily extricate itself. As to the argument of the noble lord opposite, founded upon the appeal made in the paper to the voices of the people, he was of opinion that it did not rest upon any firm foundation. On the contrary, he was persuaded that the language of the honourable baronet was perfectly justifiable. Much stronger language had been used in the case of Mr. Wilkes, and by Mr. Burke. [Here the honourable member read some extracts from Mr. Burke's Works, in proof of his assertion.] But though he idolized, at least respected in a degree little short of idolatry, the memory of the late Mr. Fox, still there were some things which he should not be disposed to admit, even upon such high authority. He could not assent, however, to the observation of the honourable gentleman who alluded to the circumstance of that distinguished statesman having, whilst a very young man, sat upon the treasury bench, and voted in a particular way on a motion of Serjeant Glyn. If he knew any thing of Mr. Fox—if he was alive to his principles—if he had imbibed any of his spirit or feelings, he was convinced that Mr. Fox, upon consideration, would have admitted that his conduct in such cases had been erroneous. In order to shew that the language of Sir Francis Burdett's paper was not libellous, he referred to a pamphlet published by Mr. Burke in the time of Wilkes, called "Thoughts on the Discontents of the Nation." In that work it was broadly asserted, that the people should exercise a vigilant superintendance over the administration of public affairs; and that, in certain cases, there was no remedy for grievances to be expected but from the interference of the great body of the people. Had any thing so strong as that been stated by the honourable baronet? No: he only called upon the people to express by their voices what they felt upon the present situation of affairs. Was there any thing in the production of the honourable baronet to be compared with what had been published by that great man, Mr. Burke? If they were but to look at both, they would be sensible

how feeble that language which had been brought under the consideration of the house was, compared with that which had never been questioned any where. And here he must be allowed to observe, that he held in contempt all fears that would prevent him from doing his duty, and voting conscientiously. His only apprehension was, the degradation that might be brought upon the house of commons. The paper, he was of opinion, ought not to have been noticed, and though noticed was not such as to call for reprehension. He agreed with the master of the rolls, that it was a question of magnitude, but did not think that any harsh or hasty proceeding was to be taken upon it. Neither the honourable baronet who had spoken early in the debate, nor his honourable and learned friend (Mr. Adam), had convinced him by their arguments that any serious or severe notice ought to be taken of this case. He would not deny that in certain cases, it would be proper for the house of commons to possess the power of commitment, though that should be regulated by the necessity. But it was not expedient that it should always exercise that right, in case of libel, as was evident from the manner in which the prosecution against Mr. Reeves had been managed. His learned friend (Sir Samuel Romilly) had never asserted that that house had not the power of removing nuisances; but that such power should never be used but upon a necessity. It would certainly be a most strange mode of arguing, to contend that the placards displayed in the streets by Mr. Jones could have the effect of interrupting the proceedings of that house. But it might be said, that as they had committed Mr. Gale Jones to custody, they ought also to commit Sir Francis Burdett. This he denied. It was his opinion, that unless they should agree to the proposition of his noble friend, they should vote the adjournment of the discussion for some months, so as to get rid of it altogether. For his own part, upon the best consideration he could give the subject, he did not perceive the smallest matter that was libellous. As to the allusion to the means by which that house was assembled, he could see literally nothing improper in that: sure he was that it would puzzle the honourable baronet to point out how the member for Tralee came to have a seat in that house. The true course for that house to pursue, was not to arrogate more privileges than it was entitled to, or

by constant usage enjoyed. But whilst he was of this opinion respecting the privileges of that house, he was ready to avow, as he had stated on a former night, that he had some complaints to make against Sir Francis Burdett. He complained of him in the first place that he had made no appeal in his speech for the liberation of Mr. Gale Jones. Next he complained of him for putting the possible duration of confinement under a commitment from the house of commons at seven years. But the greatest complaint he had to make against the honourable baronet was, that he brought forward all his statements in an exaggerated form, and in the superlative degree. More injury than good, he was persuaded, resulted from this practice of exaggeration. This practice of the honourable baronet resembled the case of the four letters, q, u, o, z, which every body remembered, inscribed upon the walls of this metropolis, and which had been so inscribed by a person, who had made a wager, that he would excite public curiosity, by any four letters which he should choose to mark upon the walls. Mr. Whitbread deprecated coming to a decision on the case at present, when men were heated by political fury, and, above all, he protested against coupling any other part of Sir Francis Burdett's conduct with the paper on the table. The honourable baronet should be judged by that alone. He thought the best thing the house could do, under the embarrassment of this question, would be to postpone the consideration of it to a period when it could not become the subject of farther discussion; and that Mr. Gale Jones, who had already made atonement enough, should be liberated.

Mr. Canning rose after Mr. Whitbread. He could assure the honourable member who spoke last, that if ever he came to the consideration of a question without the least feeling of political animosity, it was to the question now before the house. For himself, he could say, that he met it with a mind as unprejudiced as could be expected from the infirmity of human nature. He had not sought the question; he could not decline it when it pressed upon him. In the state in which the question was presented to the house, it was not possible to avoid coming to a decision upon it. If the house were inclined to adopt the course recommended by the honourable gentleman, they should endeavour to make their conduct

consistent. If they arrogated privileges that did not belong to them, an opinion in which he was by no means disposed to coincide, the most manly course would be to confess their injustice, and to repair any wrong they might have committed. Upon this principle, the honourable gentleman would come in for his share of whatever blame might be attached to the late proceedings of the house. He could not learn that the honourable gentleman had even entered his protest against the commitment of Mr. Gale Jones; and he therefore contended, that the honourable member was a party to the injustice of that act, if unjust it were. But after what he had heard that night, he would not allow that the house on that occasion had overstrained any privilege claimed by it. He would confess that he came to the consideration of the question with considerable doubts on his mind, as to the power of the house to commit generally (doubts that were greatly increased and almost confirmed by the ingenious speech of the honourable and learned gentleman (Sir Samuel Romilly) on the other side); but the arguments of the learned gentleman on the bench below him (Mr. Adam), completely removed them. With respect to the case of Reeves, which had been so much insisted on, he begged leave to observe, that the resolution ultimately adopted by the house was not that first proposed by a right honourable friend of his (Mr. Sheridan), whom he did not now see in his place. The resolution first proposed was for an address to his majesty to deprive Mr. Reeves of any office he might have filled, and to render him incapable of holding for the future any place of trust or emolument under the crown. It was said, in the course of this discussion, that the defence of the honourable baronet consisted merely in having employed a flower of speech, and it was asked, what! would you come upon the honourable baronet for a metaphor? But what was the offence of Mr. Reeves, for which he was ordered to be prosecuted? Was it not also a metaphor? His right honourable friend, in the richness of his exuberant imagination, could discover a libel in this metaphor, in this child of fancy; but the less imaginative minds of an English jury could not recognize any feature of this repulsive description. It was impossible, in his judgment, to separate the cases of Mr. Jones and Sir Francis Burdett. If the house admitted, by their vote of this

night, that Sir Francis Burdett was entirely guiltless, it followed that their whole proceeding against Mr. Jones was founded in flagrant injustice. For his own part, he must express his sincere regret, that the house was called to decide upon a question of this nature. With the honourable baronet, whose conduct was the subject of consideration, he had not the honour of the slightest acquaintance. He had, however, opportunities of judging of his abilities and his motives, as far as one man could judge of the intentions of another. Of the honourable baronet he would say, that he considered him as a man gifted with extraordinary talents; of powers of the very first grasp, which, if directed in a proper channel, might produce incalculable advantages to his country. He never knew the honourable baronet to rise in that house, that he did not acquit himself as a person of first-rate ability; always entering with uncommon zeal into the consideration of any subject he undertook, and conducting it with equal ability. Of the talents, and he would fain hope the sincerity and purity of the honourable baronet's motives, there could hardly be a difference of opinion. But the question was not respecting the views or parliamentary talents of the honourable baronet. The offence charged upon him, and the necessity of vindicating that offence, was the question on which they were to decide. The question was, whether they would or would not uphold the privileges of parliament. These privileges were not to be sought for as laid down in books and charts, amidst the violence of conflicting parties; but they were to be discovered or deduced in or from the invariable practice of parliament. When he considered the purposes for which these privileges were claimed, that they were claimed to uphold and protect that house against other powers, he felt it to be his imperious duty to maintain them with firmness and jealousy. Though it was far from his wish to be called upon to decide on a question essentially connected with the independence and the existence of the house, he did not look to the decision with the apprehension that other gentlemen did. He came with his mind reluctantly, but perfectly, made up on the question. In deciding on it, he would take care, as far as it depended on him, not to compromise the privileges of the house, and, above all, to distribute justice with an even and impartial hand.

Mr. Ponsonby disclaimed being a party to the commitment of Mr. Jones. In presenting himself to the house after the right hon. gentleman, it might be supposed that he rose to impugn the principles laid down by him and an hon. and learned friend (Mr. Adam) on the same bench with himself, respecting the privileges of that house. No such thing. That house possessed the privilege of committing for contempt, or for libel. Nothing was clearer than this; it was confirmed by the practice of two centuries, and by repeated instances In discussing, however, any doubts that might now be entertained respecting it, it would be desirable to keep an eye on the position laid down by Sir F. Burdett. The honourable baronet stated, that the house had no power of commitment, except of its own members; and in support of this assertion, he quoted the passage from Magna Charta, that no person was to be confined except by the law of the land, or the judgment of his peers. Why, according to this doctrine, there was not a member of that house who would not be excluded from the benefits of this clause of the great charter. He never heard a more fallacious opinion, and he was happy to find there was not one man in the house who concurred in it. As to what had fallen from his honourable and learned friend (Sir Samuel Romilly) he heard it with deep regret, entertaining, as he did, the highest opinion of his talents and his virtues. His honourable friend seemed not to be aware of the consequences of the principles he laid down. According to his argument, the jurisdiction of no court could extend beyond the actual commission of the offence that called for reprehension. It would be incompetent to punish on Tuesday that which was done on Monday. But his honourable friend surely could not have forgotten that courts of justice were in the practice of attaching for such contempts, and that it was, *à fortiori*, a privilege that could not be refused to parliament. In insisting, however, upon the necessity and legality of this privilege, he must admit that discretionary power was, in its nature, dangerous, and that it was advisable it should be as much circumscribed as it could be, consistently with its end and design. After the experience of centuries, he did not expect to have heard it doubted at this day that the law of parliament was part of the law of the land. From Fortescue down to Blackstone, with hardly a single ex-

ception, this principle had been recognized. It was asserted in the resolutions of the house, and the conduct of the commons at different times; and he knew not where to look for the privileges of parliament, but in the law and practice of parliament. The right of the commons to to commit having been already disposed of, there was another question for the consideration of the house. That question was, whether the conduct of Sir F. Burdett was a breach of privilege, and whether the house was called upon to mark it as such. Upon these points there had been various revolutions in his mind. At one time he was disposed to think the paper on the table libellous, at another time not. Would it be said, that it was not competent to any one to discuss the decisions of that house outside its walls? At this day, he could not suppose such doctrine would be maintained. On the contrary, there was no constitutional subject that might not be freely discussed; and in these discussions it was not always possible for men so to measure their words as to be entirely free from offence. He believed it would be allowed then, that the constitution of that house might fairly become the subject of discussion; and that the question of parliamentary reform, so vitally connected with it, was also a fair object of consideration. If some subjects were to be admitted and others rejected, in consequence of the exercise of this privilege, he would be glad to know where the house was to place the limit. This, he believed, was the first time that the house was called upon to agree to a set of resolutions without being apprized of the ulterior resolution with which it was intended to follow them up. Had he been in his place when the case of Jones was under consideration, he would have opposed the commitment of that person, and he would oppose the commitment of Sir F. Burdett. Such practice would close all discussion, and put an end to the liberty of the press. He admitted that there were very intemperate expressions in the letter, perhaps libellous, but they were not of so marked a nature, he must contend, as would justify the house in resorting to so strong a measure as this. He would agree that the house possessed the privilege, in the fullest sense of the word, of committing, and might exercise it when it thought fit; but this was a case in which he must maintain it ought not to be exercised. Instead of making Sir F. Burdett less powerful, it would make him

more so, and the question for parliamentary reform more popular than it had ever been.

The Chancellor of the Exchequer justified the course adopted by his honourable friend, the member for Somersetshire. His honourable friend had proposed his resolutions on the offensive paper, leaving it to the discretion of the house to say what punishment should follow. He could not collect from the right honourable gentleman's speech, what his vote would be. Was the right honourable gentleman prepared to say the paper complained of was not a gross libel on that house? If he was, he could only say, that he believed he was the only person that did. Indeed he could scarcely have expected that any man would be found in that house to maintain it was not a libel, seeing the extravagancies and violence of the expressions, and when it was apparent, that it was published with no other view than to bring the house into disesteem and disgrace. He trusted that the result of the vote that night would be to shew, that they were not prepared to give up the privileges of that house, or to surrender them to any individual.

Mr. Grattan lamented that this subject had been brought before parliament. It was a contest in which victory would be without glory, and in which defeat must be followed by disgrace. When the house went to hunt in holes and corners for questions of privilege, they diminished their own dignity. They might depend upon it, that the result of this contest would not be to their satisfaction. Had they forgot Wilkes's case? that it ended in his being elected for Middlesex, and nominated chamberlain of the city of London, and that parliament was at length obliged to shrink from the contest? In this battle between the giant and the dwarf, the giant diminishes in size, and the dwarf magnifies. The people of England, with their characteristic generosity, range themselves on the weaker side, and oppose the shield of their compassion against the arm of power.

Lord Jocelyn supported the resolutions.

Lord W. Russell could not agree to proceed to the other orders of the day. He thought the house was bound to assert its privileges.

General Mathew pronounced a warm panegyric on the public conduct of Sir F. Burdett, and contended, that he was justified by the practice of the best days of the

constitution, in freely communicating with those he represented.

Lord Milton thought it was impossible for the house to pass over the paper. The question was of that nature that it could not be blinked. If the house adopted the resolutions, they must, of necessity, proceed farther; but it was advisable that the punishment that was to follow should be as lenient as possible. He would vote against the amendment.

Mr. Brand would not undertake to justify every thing that was said in the paper on the table. He professed his intention, in case the motion of his noble friend was negatived, to move an amendment to the resolutions, recognizing the right of members of that house to publish their opinions on constitutional points, to communicate with their constituents, and that such parts in the letter and argument of Sir F. Burdett, as did not contain inferences derogatory to the constitution, were not a breach of privilege.

Mr. W. Wynne contended, that the paper was a gross breach of the privileges of that house, and charged the honourable baronet with having altered and misquoted precedents in the argument to serve his own purpose. From 1547, when the journals of parliament first commenced, all the precedents were in favour of the privilege of commitment by the house. Instead of any harsher proceeding, he would recommend that the Speaker should reprimand Sir F. Burdett in his place.

Mr. Hutchinson was for postponing the further consideration of the subject to a distant day.

Mr. Curwen was convinced by the arguments of the honourable and learned gentleman (Sir S. Romilly) on the same bench with him, that the house did not possess the power of committing persons who were not members. At the same time he felt himself bound to say, that there were many passages in the paper highly offensive.

Lord G. Grenville thought, that before the house proceeded to a vote, they should hear the honourable baronet in his defence.

Mr. T. Foley entered into a very able justification of Sir F. Burdett's conduct.

Mr. Sheridan said, he trusted the house would give him credit for not being a person likely to trespass on their patience at that late hour. He was not a person disposed

to betray the privileges of that house, which, no matter whether they were usurped or conferred, were necessary to their existence, and which if they did not possess they would not be then sitting there. But they should recollect that their privileges were derived from the people, and were held for the advantage of the people. If the house were brought into an unpleasant predicament, woe be to the late member for Cambridgeshire. That gentleman was answerable for its embarrassment, and whatever consequences might follow. It was he who excited these doubts concerning the privileges of the house, by converting a personal attack on him into a violation of the bill of rights. This sent people to inquire into the nature and extent of privilege of parliament. He wished to know from the gentlemen who supported the resolutions what conclusion they intended to draw from their adoption. Did the honourable mover mean to move that Sir F. Burdett should be sent to the Tower? If that was his intention, for himself he would say, that he would not be made a stepping-stone to assist him in his progress. He would not consent to hurt a hair of Sir F. Burdett's head. What did the honourable gentleman or his friends mean to move? He called upon him for an answer; he was entitled to it.

Mr. Lethbridge would state what his course had been, and what were his intentions. He was not to be forced beyond the line of conduct he had prescribed to himself. He would lay the resolutions before the house, leaving it to them to dispose of them as they might please. If they were adopted, it would be competent for any honourable member to follow them by any resolution he might think proper. When such should be proposed, he would give his vote conscientiously on the question.

Sir Robert Salisbury said, that if the resolutions were agreed to, he would feel it his duty to propose that Sir Francis Burdett be committed to the Tower.

The resolutions were supported by the solicitor-general for Scotland, Captain Parker, and the attorney-general.

Lord Porchester said, that no man felt a stronger inclination to uphold the privileges of that house, but he could not vote for the resolutions, because he was convinced they proceeded from vindictive feelings.

Mr. W. Pole said, that if the house should agree to the resolutions, they were bound to follow them up by

a vote of commitment. If they did not deal out impartial justice, they would appear to be intimidated by the language held in that house, as well as the appearances out of doors.

Mr. Wilberforce contended, that parliament had no right to give up the privileges of the people of England, of which this right claimed by the house was undoubtedly one. The power of commitment was sanctioned by precedent, and essential to the independence of that house. He thought the wisest course they could adopt would be to come to a vote on the resolutions at present, and to defer the consideration of the measure of punishment to a cooler moment. He considered the argument of the last speaker as rather unfair. It seemed as if it were intended to induce them to adopt the motion for commitment, by making them ashamed of appearing to be intimidated. He thought the house was in duty bound to mark their sense of the paper on the table.

Mr. Lyttelton was convinced the house would render a more grateful service to their constituents by rescinding the vote in favour of the Walcheren expedition, than by provoking a contest respecting the existence of a privilege that was not attacked.

Sir J. Newport and Mr. W. Smith announced their intention of opposing the resolutions, since it was proposed to follow them up by a punishment not warranted by the offensive matter contained in the paper on the table.

A division took place,

Ayes - - - - - - - - - - -	80
Noes - - - - - - - - - - -	271
Majority against reading the other orders of the day - -	191

Strangers were not again admitted; but the resolutions proposed by Mr. Lethbridge, we understand, were agreed to without a division.

A motion for the commitment of Sir F. Burdett to the Tower was then made by Sir R. Salisbury, as we are informed, upon which a discussion of some length took place.

An amendment was proposed, that Sir F. Burdett be reprimanded in his place, upon which the house divided,

Ayes - - - -	152
Noes - - - -	190
Majority - - -	38

The motion for commitment to the Tower was carried without a division, and the house adjourned.

HOUSE OF LORDS.

FRIDAY, APRIL 6.

SPAIN.

Marquis Wellesley laid some papers on the table, and expressed his intention to examine and select, by Monday next, all such papers relating to military operations in Spain, or to the political situation of that country, connected therewith, as he should find fit to be produced to that house.——Adjourned.

HOUSE OF COMMONS.

FRIDAY, APRIL 6.

JUDGES' SALARIES.

The house went into a committee on the increase of salary to judges in Ireland and Scotland.

The Chancellor of the Exchequer, after some observations on the importance of the judicial character, and the necessity of surrounding it with all the dignity and affluence that might give it respect, stated, that he had then to propose to the house an increase of the salaries of several of the judges in the Irish and Scotch courts. The salaries of the English puisne judges had already been raised to 3,000*l.* per annum net revenue. The lord president in Scotland had at present a salary of 3,000*l* per annum; this he proposed to raise to 4,0 0*l.*; the salary of the chief justice clerk to 4,000*l.* and that of the chief baron to 3,800*l.* On a computation of the fees, circuit expenses, and present salaries of the Irish judges, he proposed to give them an increase which would make the whole 3,000*l.* per annum to each.

Mr. Hutchinson wished to see the situation of the English and Irish judges put completely on a par; and, after a very eloquent eulogium on the abilities of the recorder and sub-recorder of Cork, concluded by recommending the increase of their salaries to the consideration of the house.

The Chancellor of the Exchequer observed, that as

those persons were chosen by the corporation of Cork, they were to look to the corporation for any increase of their salaries.

In a committee to consider of the increase of the salaries of the judges in Scotland and Ireland, propositions were moved by Mr. Perceval, and ultimately agreed to, for increasing the salaries of the Scotch Judges to the amounts following:—

The lord president of the court of session	£. 4,000
Lord justice clerk - - - - -	4,000
Lord chief baron - - - - -	4,000
Lords of justiciary, each - - - -	2,600
Senior baron of Exchequer - - -	2,600
Other Judges and Barons, each - -	2,000

These resolutions were agreed to, after some observations from Lord A. Hamilton, Mr. Boyle, the lord advocate, and Mr. Adam.

Mr. Brougham objected to making any distinction between the exchequer and other courts, on the ground of the barons having less to do—because it went to hold up a supreme court of judicature, having high duties and privileges (though less laborious functions than the other courts) as filled with sinecure placemen, and thus derogating from the respect which every one, however friendly to economical measures, must wish to see universally paid, and universally preserved to all judges. Believing then having too little to do to be a great evil, and lamenting it, however unavoidable it might be at present, he trusted it would be remedied by an extension of the plan of reform introduced by the late ministry, and partially adopted by their successors, to the great benefit of the jurisprudence of Scotland. That it might embrace a recurrence to the original meaning of the act, constituting the court of exchequer soon after the union, and which, from its reference to the statute of Henry VIIth, was by many suffered to admit of a jurisdiction similar to that founded on the fiction of *quo minus* in England; and if this construction was not adopted, that the court should be opened by other means, though he preferred the former if practicable, as more consistent with the treaty of union, and in any way such a reform should have his hearty support, in case any one more worthy than himself might originate it.

The salary of the chief baron was, as above stated,

placed upon an equality with that of the lord justice clerk.

A resolution was also passed, augmenting the salaries of the judges in Ireland to 3,150*l.* each.

Colonel Hutchinson suggested the propriety of increasing the salary of a respectable judge, the recorder for the city of Cork.

Mr. Perceval observed, that any deficiency in this respect fell to be made up by the corporation by whom the learned judge was appointed.

Mr. Whitbread postponed his motion on the subject of Mr. Bathurst's instructions till Monday.

MASTER-GENERAL OF ORDNANCE.

Mr. Whitbread being on his feet, begged to put a question, which he presumed to think was of some importance, namely, if any person had been appointed to fill up a situation which had hitherto been esteemed essential in the government of this country; or if any person was in contemplation to be recommended to his majesty for the filling up of this situation? If the country could do without that office for a month, he must conceive the great salary annexed to it as a grievance and unnecessary burthen on the country.

Mr. Perceval said a month was a short time to find a proper person for the office.—Adjourned.

HOUSE OF LORDS.

MONDAY, APRIL 9.

SLAVE TRADE.

Lord Holland adverted to the papers which had been laid on the table, in pursuance of his motion relative to the application made to foreign powers in compliance with the address of the house for the abolition of the slave trade carried on by their subjects, and observed that the communications were extremely meagre. The motion had only applied to the communications since the 1st of January 1807, but he found the first paper was one of an antecedent date to the note which his noble friend (Lord Auckland) and himself had presented to the American minister, and for the production of which there was no necessity. He wished, however, as it had been produced, that the article of the treaty founded upon it should also

be laid on the table. He could scarcely imagine that these papers contained all the communications which had been made upon the subject, and wished to be informed if such was the fact.

The Marquis Wellesley said, that as far as he could discover, the papers contained the whole of the communications upon the subject. The noble lord would be aware, that from the circumstances in which we were placed with respect to Spain and America, little could be done relative to the subject with these powers. As to the note alluded to, its being laid upon the table arose from the circumstance of his mistaking the extent of the noble lord's motion; but he had no objection whatever to produce also the article of the treaty. He could assure the noble lord, that no one could be more sincerely or earnestly desirous than himself to carry into effect the object of the address relative to the abolition of the slave trade.

Lord Holland had no doubt of the noble lord's sincere desire to carry the object of the address into execution, and was aware that the noble lord was not responsible for these communications, they having been made before he came into office. He could not help, however, again remarking upon their paucity; he was aware that there existed some delicacy upon the subject with reference to our relations with Spain and America; but how happened it that there was no return with respect to Sweden? He should feel it incumbent upon him to call the attention of the house again to the subject on a future day.

CAMPAIGN IN SPAIN.

The Marquis Wellesley laid on the table several additional papers relative to the campaign in Spain.

The Marquis of Lansdowne said, he had been extremely anxious to have called the attention of the house to this important subject previous to the recess, and with this view had given his notice for Tuesday se'nnight. He now found, however, that the noble marquis had presented several very important papers, which had been omitted in the former deliveries, and being aware that they could not be printed and delivered in time, he should therefore move to discharge the order for summoning the lords for Tuesday, stating at the same time, that he would give an early notice after the recess. The order was discharged.

Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 9.

MR. JOHN GALE JONES.

Sir Samuel Romilly rose and stated that he had, on a former occasion, given notice of a motion to discharge Mr. Gale Jones.

The Speaker here interrupted him, observing, that if the honourable and learned member meant to submit any motion, or enter upon any discussion which would occupy much time, he felt it necessary to apprize him, that according to the practice of the house, it would be proper that a matter of privilege which he (the Speaker) had to bring before the house, should have the preference.

Sir S. Romilly again rose and stated, that he did not intend at present to submit any motion. He had given notice, in the course of his speech on the subject debated on Thursday evening, that he would take the earliest opportunity of moving that Mr. Jones be discharged. On Friday morning he had fixed that notice for this day. But the events that had occurred since this notice was given, had induced him to think that it would be better to postpone it till gentlemen's minds were less agitated than they could be at present. He desired it might be understood that he would press his motion on the single ground that Mr. Jones had already suffered a punishment adequate to the offence. He never had any intention of resting it upon any ground of doubts as to the legality of the commitment, when he found that persons of so much more experience than himself differed from him in opinion on this point. He would not now name any day for bringing forward the motion, but it would be an early one. He hoped he might now be allowed to say a few words respecting himself, as the subject was to him of great importance. Though no one, he hoped, could suppose it possible that he had any share in the counsels which appeared to have governed the conduct of Sir F. Burdett on this occasion, yet having seen it stated in some of the newspapers that he had been at Sir F. Burdett's within these few days past, he begged leave to say, that he had never been at Sir F. Burdett's house either before or since the recent occurrences. (*Hear, hear!*)

SIR FRANCIS BURDETT—PRIVILEGE.

The Speaker then rose, amidst cries of "order! order!" at the bar, to state to the house how he had proceeded in consequence of the vote of the house for the commitment of Sir Francis Burdett to the Tower. At half-past seven o'clock on Friday morning he had signed the warrant of commitment, and delivered it to the Serjeant to be carried into immediate execution, with a specific direction not to delay the execution of it beyond ten o'clock that day. The Serjeant was in attendance, and would report how he had proceeded in consequence of these directions. But before that report was made he had to state, that late on Friday evening he had received a letter from Sir Francis Burdett, containing a desire that it might be read to the house. If it was the pleasure of the house he would read that letter, but it must be at their request if he did read, because the matter did not rest with him—(*Read, read! from various quarters.*)

Mr. Freemantle wished to know at what hour on Friday the Speaker had received the letter?

The Speaker replied, that he thought he had stated that he had received it on Friday evening, and at a late hour. He had no objection to state the precise hour, for the house would, he hoped, do him the justice to believe, that of every part of these transactions that had come within his cognizance he had taken notes. (*Hear, hear!*) The hour was ten o'clock. The letter had been left for him by two gentlemen, who desired to know whether there was any answer? He had read the letter, and then desired an intimation to be given that there was no answer.

The house having agreed that the letter should be read, the Speaker read it accordingly. The following is a copy:—

"SIR,

"When I was returned in due form, by the electors of Westminster, they imagined they had chosen me as their trustee, in a house of commons, to maintain the laws and liberties of the land—having accepted that trust, I NEVER WILL BETRAY IT.

"I have also, as a dutiful subject, taken an oath of allegiance to the king to obey his laws, and I never will consent, by any act of mine, to obey any set of men who, contrary to those laws, shall, under any pretence whatever, assume the power of the king.

"Power and privilege are not the same things, and ought not at any time to be confounded together—privilege is an exemption from power, and was by law secured to the third branch of the legislature in order to protect them, that they might safely protect the people, not to give them power to destroy the people.

"Your warrant, sir, I believe, you know to be illegal—I know it to be so. To superior force I must submit—but I will not, and dare not incur the danger of continuing voluntarily to make one of any association, or set of men, who shall assume illegally the whole power of the realm, and who have no more right to take myself, or any one of my constituents by force, than I or they possess to take any of those who are now guilty of this usurpation, and I would condescend to accept the meanest office that would vacate my seat, being more desirous of getting out of my present association than other men may be desirous of getting profitably into it.

"Sir, this is not a letter in answer to a vote of thanks, it is in answer to a vote of a very different kind—I know not what to call it—but since you have begun this correspondence with me, I must beg you to read this, my answer, to those under whose order you have commenced it.

"I remain, Sir,

"Your most obedient humble servant,

"FRANCIS BURDETT."

"*Piccadilly, April 6th*, 1810."

The Speaker, when he had finished reading the letter, said, that the next thing to be considered was, whether it should lie on the table? This too must be decided by a vote.

The Chancellor of the Exchequer then rose, and observed, that the best way would be not to say a single syllable on the subject of the letter at present. He should therefore simply move, that it be laid on the table, to be considered on a future occasion.

Mr. Charles Wynne suggested that it would be better even to adjourn the debate on the question, that the letter be laid on the table until the next day, and he moved accordingly.

This motion was agreed to without any opposition.

PROCEEDINGS IN THE EXECUTION OF THE WARRANT OF COMMITMENT.

The Speaker next requested leave to suggest, that this

would be the most convenient time for receiving the report of the Serjeant.

The Serjeant was called to the bar.

The Speaker—"Serjeant, you are directed to report to the house the circumstances attending the execution of the warrant for the commitment of Sir Francis Burdett to the tower, delivered to you on Friday morning."

The Serjeant, after an apology for not having his notes of his proceedings so well arranged as he could have wished, stated, that he had gone to Sir Francis Burdett's house on Friday morning with two messengers, when he was told by a servant, that Sir Francis Burdett was not at home; he then went to his own house, and wrote a letter to Sir Francis Burdett, telling him, that he had called on him to apprehend him and convey him to the Tower, in execution of a warrant from the Speaker of the house of commons for that purpose. He stated to Sir Francis, at the same time, that he wished to consult his convenience as much as lay in his power. This he had sent by Mr. Clementson, the deputy-serjeant, desiring him again to ask if Sir Francis Burdett was at home. At four o'clock on Friday afternoon he was told at the house of commons, that Sir Francis Burdett had returned. He then went to Sir Francis Burdett's house, and saw Sir Francis, who told him that he would be ready to receive him at eleven o'clock the next (Saturday) morning. He left him at that time with the impression that Sir Francis would go with him to the Tower peaceably at the time stated. He had assented to this delay because he had the Speaker's directions to conduct himself to Sir Francis Burdett with all the delicacy consistent with the due discharge of his duty, and because he himself wished to shew every possible respect to a member of parliament. Indeed, though he had attempted to execute the warrant that night, it would not have been in his power to succeed, as there was a large mob at the door, and he had not at that time the requisite assistance, conceiving that Sir Francis would have obeyed without any resistance. From Sir Francis Burdett's house he went to the Speaker, and acquainted him with what passed, stating that it had been arranged that Sir Francis was to go with him at eleven the next day to the Tower. The Speaker advised him to execute his warrant immediately, and to apply at the secretary of state's office for whatever assistance might be necessary. He then went to the secre-

tary of state's office, where he was detained some time. He next called at Sir Francis Burdett's house, stated to him that he was under the necessity of executing his warrant at an earlier hour than that which had been mentioned, and shewed him the warrant, which he read. Sir Francis then said, that he disputed the legality of the warrant, and that nothing short of actual force would make him accompany the Serjeant, and that he was resolved to resist as far as was in his power. Sir Francis stated at the same time, that he had written to the Speaker on the illegality of the warrant. He (the Serjeant) then went to the secretary of state's office to make arrangements as to the force which would be required to enable him to execute the warrant. Considering, however, the lateness of the hour, it being then about nine o'clock, and no arrangement having been made with the lord mayor for a force to accompany him, when he should have entered the confines of the city, he determined to put off the execution of the warrant till half past six on the following morning (Saturday). In the mean time he applied himself to the arrangement of the necessary force at the secretary of state's office, and sent Mr. Clementson to the lord mayor for the same purpose. At half past six on Saturday morning, he went to Sir Francis Burdett's house, and was told at the door that he was not at home, and that the servant did not know when he would return. Conceiving that Sir Francis had gone to Wimbledon, he set off for that place, leaving a messenger in Sir Francis Burdett's hall. At Wimbledon he was told that Sir Francis was not there. He then went to his own house and staid there a short time. He was told in the course of the day that Sir Francis had been seen in the street. He proceeded to his house and found the door a little open, but with a chain across. A servant told him that he could not come in there, and immediately shut the door against him. On the morning of the following day, which was Sunday, about seven o'clock, he went again to the house with the police officers, knocked several times, but could gain no admittance, and withdrew. Mr. Clementson and himself, by turns, continued near during the rest of the day and night, leaving messengers to watch the approaches to Sir Francis's house. On Saturday or Sunday morning (we could not with certainty collect which), having some doubts how far he was warranted in making a forcible entry into the house, he

sent to the attorney-general for his opinion on that point. On that opinion he had acted this morning. He had arranged with the secretary of state that a civil and military force should attend him. He went to the house that morning at ten o'clock with the police officers, and a detachment of cavalry and infantry. He forced an entrance into the house with the police officers, and proceeded to the room where Sir Francis was. He told him that he must go with him immediately, and that resistance was quite useless. Sir Francis asked him to shew him his warrant, and he told him that he arrested him in virtue of the warrant which he had before seen and read. Sir Francis then got into the carriage which had been provided for the purpose, and he delivered him to the lieutenant of the Tower. If it should appear that he had erred, or had been remiss in the execution of his duty, he trusted the house would give him credit for having acted from the best motives. It would be considered that the case was wholly unprecedented, and that he had acted from that respect and delicacy which he thought it became him to feel for a member of parliament. When Sir F. told him that he would be ready to receive him at eleven o'clock on Saturday morning, he certainly understood that he intended to go with him without making any resistance.

Sir John Newport moved, that the opinion of the attorney-general should be laid on the table.

Mr. Whitbread said, that he wished first to ask the Serjeant some questions.

The Speaker observed, that it might be proper to read the report, that an opportunity might be afforded of supplying defects, in case that should be requisite.

The report was then read.

Mr. Colman remarked, that he omitted to state that Sir Francis had come into the house while the messenger was in the hall, and that the messenger served the warrant. The messenger wished to remain in the house, but being told that he must go out, and not having any assistance near, he had departed.

Questions put to the Serjeant by *Mr. Whitbread.*

Q. At what hour on Friday evening did the Serjeant inform the Speaker that Sir F. Burdett intended to resist the warrant? A. Six o'clock.

Q. Did he communicate personally with the Speaker or by letter? A. Personally.

Q. Where? A. At the Speaker's chambers.

Q. Was the house then sitting? A. Yes.

Q. When did he first go to the secretary of state's office? A. About six o'clock.

Some questions were here put relative to the application at the secretary of state's office, the answers to which it was impossible to hear distinctly. The substance, however, was, that the Serjeant had seen Mr. Ryder at the house for a few minutes on Friday evening, and that he afterwards went to the office, and that either there, or by Mr. Ryder at the house, he was told that the business had been mismanaged.

Q. To whom did he apply in consequence of the Speaker's recommendation to go to the secretary of state's office? A. To Mr. Becket, and two magistrates who were at the office. He asked for a civil force, and likewise for an escort of cavalry to guard the carriage with which the police officers on foot would be unable to keep up.

Q. What answer did Mr. Becket give? A. He referred me to the magistrates then present.

Q. Who were they? A. Mr. Read and Mr. Graham.

Q. Did you see Mr. Ryder? A. Yes; at the house on Friday.

Q. What passed then? A. He told me that Mr. Becket was in the house, and referred me to him.

Q. Did you tell him that Sir F. Burdett intended to resist the warrant? A. No. I had not seen Sir Francis the second time then.

Q. When the Speaker desired you to go to the secretary of state's office, did you not state that Sir Francis intended to resist? A. No. I only told him that eleven o'clock next morning was fixed upon as the time for conveying Sir Francis to the Tower.

The Speaker here adverting to the inconsistency between the last and the first part of the evidence, as to the information respecting the intended resistance, begged leave to call to the Serjeant's recollection the exact particulars of his communication with him. He (the Speaker) had directed the Serjeant to serve the warrant before ten o'clock, and not to wait till mid-day hours. The next intercourse took place while he was sitting at that table (immediately before the house was formed on Friday), when he understood that the Serjeant was preparing to make a report that Sir Francis had been seized. He sent word to the Serjeant

not to stop there to make his report, but to proceed to take him to the Tower immediately. He heard nothing further about the matter till five o'clock, when the house was sitting in a committee. The Serjeant wished to speak with him, and he went to a private room for that purpose, and his first words were, "Where is the receipt of the lieutenant of the Tower." The Serjeant then stated, that he had arranged with Sir Francis that he should go to the Tower at eleven the next day. His answer was "possibly you may be sent to the Tower by that time; your business is to execute your warrant—and I would advise you to do it before the dark hours." The next time the Serjeant came to him was the first occasion when any intimation was given him of the intention to resist.

Q. When did the Serjeant go to the secretary of state's office? A. About nine o' clock.

Q. Did he see Mr. Ryder at that time? A. No.

Q. Who did he see there? A. The magistrates and Mr. Becket.

Q State the substance of what passed? A. I stated to them that some force would be necessary, in case resistance should be made. He said that it would be proper to have a military force. The answer was that this would be furnished if it were stated on oath that it was necessary. I said it was necessary, in order to attend the carriage.

Q. How long were you in conversation there? A. Till very late.

Q. Up to what hour? A. Till twelve o'clock.

Q. Did Mr. Ryder never appear during that time? A. Never.

Q. Were any other persons present except those you have mentioned? A. There might, perhaps, be some belonging to the office.

Q. What passed between the Serjeant and Mr. Ryder at the house on Friday? A. Nothing, except that Mr. Ryder referred me to Mr. Becket.

Q. Did the Serjeant go to the office again? A. I went on Saturday morning to procure an escort of cavalry.

Q. Whom did he see there? A. Mr. Read.

Q. Did he see Mr. Ryder? A. No.

Q. When were you summoned, and at what hour did you attend a privy council held last night? A. I was summoned in the evening, and attended, I believe, about ten o'clock.

Q. Had you any conference with any of his majesty's ministers, from the time the warrant was given you for execution up to the time the summons was sent you to attend the privy council? A. I saw Mr. Perceval on Saturday last.

Q. What conversation took place? A. Mr. Perceval said—"Well, Mr. Colman, have you executed the warrant? witness answered that he had not, as he did not think it justified him in searching.

Q. Was that the substance of your conference? A. Yes; with the addition that Mr. Perceval advised me to take the opinion of the attorney-general.

Q. Did you take the opinion of the attorney-general accordingly? A. Yes. I laid the case before the attorney-general on Saturday, and received his answer on Sunday.

Q. Have you that case and opinion? A. I have the opinion.

Sir Vicary Gibbs stated his desire to explain some circumstances before the paper produced was read. It was true the Serjeant did lay the case before him, on Saturday evening; but in the case presented, he at once perceived the mistake, that instead of the warrant authorizing the arrest, the warrant upon which he was called to pronounce an opinion, there was inserted the warrant directed to the lieutenant of the Tower to receive Sir Francis Burdett. The mistake was subsequently corrected, but he thought it necessary to make those explanations, in order that the paper should appear intelligible.

Mr. Whitbread expressed his anxiety to put a question to the right honourable and learned gentleman, during the interval that the Serjeant was employed in producing the paper.

Q. Was that the first time that the attorney-general was consulted by any person upon the legality of the Speaker's warrant, from the period it was issued up to the period referred to by the Serjeant?

Sir V. Gibbs had no personal objection to answer the question, but he did not think it the usuage of that house to put a question to a member, whilst a witness was under examination at its bar.

Mr. Whitbread—It was for the house to determine, whether the question put was or was not a very necessary one.—After some observations from Mr. Perceval, it was agreed not to examine any collateral testimony, until the house had finished the examination of the Serjeant.

The warrant to the Serjeant at Arms was then read with the opinion of the attorney-general upon the legality of enforcing it. The opinion went to state, that in the case submitted, no instance was stated where the execution of such a warrant took place under the circumstance of the door of the individual's house being broken for the purpose of getting an entrance. He believed there was no such precedent. The case must therefore be considered upon the only principle which could be analogous, namely, the course of proceedings in the execution of warrants, where the king was a party. In such cases it was understood and sanctioned, that the persons appointed to execute such warrants might force the outer door; the same privilege in the process was next allowed where subjects were the party. Reasoning upon that analogy, and in the absence of any direct case, he did not see why such a warrant as that directed to the Serjeant should not be executed in the same manner that a criminal process, where the king was the prosecutor, would be carried into effect. It was in that view the present case could only be considered, *there being no direct authority to support its exercise.* It was to be observed, that the fullest notice should be given to the individual whose person was to be seized, of the purport of their coming. He also was of opinion, that the proper officer might call to his aid all species of aid, military as well as civil. He did not think that it should be executed at night, but in case of any rescue he was fully of opinion that it was perfectly legal to break in and search, not only the houses of the individual rescued, but of any other person, where there was a justifiable suspicion to suppose that he was concealed.

The examination of the Serjeant resumed.

Mr. Whitbread.—What members of administration were present at the privy council last night? A. There were present, Lord Wellesley (a murmur), Mr. Perceval, Lords Bathurst, Westmoreland, Harrowby, Liverpool, Camden, Mr. Dundas, Mr. Ryder, and the Attorney-general.

Q. What were the nature of the questions put to you at the council? A. It was intimated to me, that government was anxious to ascertain what steps I was about to take to execute the warrant. I answered that I was anxious to have a military force sufficient, in my opinion, to enable me to execute it.

Q. What answer did the privy council return? A. That I should have what I required.

Mr. Perceval next commenced his examination of the Serjeant. The answers to his interrogatories were for the greater part inaudible to the gallery. Its main drift went to prove, that the government were ready to afford every aid to execute the warrant, without at all giving any directions for the execution. When the Serjeant applied, as he was directed, to the magistrates, they communicated to him their doubts of the legality of forcing the outer door. Their view was, that the military force should not be called in until after the arrest was made. The Chancellor of the Exchequer, in his interview with the Serjeant, expressed his surprize, that he had not executed the warrant when he had seen Sir F. Burdett, at all events that he had not touched him. The Serjeant asked Mr. Perceval for his advice relative to the legality of breaking the outer door. Mr. Perceval would give no advice; but stated that whatever doubts might exist as to forcing the outer door, there could not, in his opinion, be any relative to all the interior doors in the house. The Chancellor of the Exchequer further stated, that he, the Serjeant, had the duty to exercise, and that if he had doubts upon the legality of enforcing the warrant, it was his best course to take the opinion of an eminent lawyer. He recommended the attorney-general. Mr. Perceval, although he would have thought himself justified in breaking the outer door, if it was his province to execute the warrant, still would not from himself give any advice to the Serjeant.

Sir John Anstruther put some questions to the Serjeant, from which it appeared, that the first doubt entertained by the Serjeant of the legality of the execution of the warrant, arose from a conversation at the secretary of state's office. He believed the doubt proceeded from Mr. Read; but he had also his own opinion, particularly after the Speaker had stated, that upon the legality of forcing the door, he could give no opinion. The Speaker stated, that late on Friday night, when he was remonstrating with the Serjeant for not having executed the warrant, he applied to him (the Speaker) for his opinion. Upon that point he refused to pronounce any opinion of his own, but referred the Serjeant to commune with the magistrates, who must be best acquainted with the ordinary process of

enforcing the execution of warrants proceeding from the ordinary courts of jurisdiction.

Lord Ossulston—Suppose you had all the military means, furnished by the secretary of state, did you not feel the whole responsibility of the execution rest upon yourself, so much, that if resistance had been made, and death ensued, the warrant being afterwards found illegal, would you not have considered yourself subject to an indictment for murder? A. I did certainly conceive myself the responsible person.

In answer to a question from Mr. Adam, the Serjeant stated, that he had, on Sunday, seen the sheriffs of London and Middlesex in front of Sir Francis Burdett's house; and that, after he had shewn them the warrant, they expressed their readiness to support him, upon the supposition that Sir Francis Burdett came out of his house.

Q. Were you not told at the secretary of state's office, on Friday, that through your negligence in the execution of your duty you must be considered as responsible for all the consequences? A. I think I was told so, and I felt the justice of the observation. I think I said so, or something to that effect.

Examined by *Mr. Stephen.*

Q. When you first saw Sir Francis Burdett, had you any reason to suppose that he had any intention to resist the execution of the warrant? A. No.

Q. Did he then make any objection to the legality of the warrant? A. His only observations to me were, as I before stated, that he would write to the Speaker that evening, and that he would be ready to receive me about twelve o'clock on Saturday.

Q. Did you understand that to be an appointment for going with him to the Tower, and that he so meant it? A. Yes.

Q. Did you understand that to be the meaning of his answer to your letter also? A. No doubt.

Q. Did you apprehend any resistance at that time in the execution of your warrant? A. No, not from Sir Francis Burdett; but from the multitude about I did apprehend resistance.

Q. Was not your expectation of Sir Francis Burdett's compliance with the warrant your reason for not taking him into custody at the time you saw him on Friday? A. I certainly did expect that he would go with me.

Examined by a member whose name we could not learn.

Q. Do you recollect the terms of the letter you addressed to Sir Francis Burdett? A. I believe I do—I can repeat it I think—I have a copy of it at home—It was something to this effect—I apprized Sir Francis Burdett that I had received a warrant from the Speaker for his committal to the Tower, which it being my duty as serjeant at arms to execute, I requested to know at what hour I should wait upon him in order to accompany him there.

Q. Have you now the answer in your possession? A. No; but after thanking me for what he described as my polite letter, he stated, that he would write to the Speaker that evening, and would be ready to receive me about 12 o'clock on Saturday.

Q. What precise amount of military force did you conceive necessary, or require, to enable you to execute your warrant? A. My opinion upon this subject at any time must depend upon the state of the town, and the appearance of a disposition to resist me.

Q. What precise number of military did you require at any time, when, and to whom did you apply? A. My first application for military assistance was on Friday afternoon at the secretary of state's office.

Q. Did you make any other application for the same purpose, when, and to what amount? A. Yes—last night I required 300 infantry and 500 cavalry.

Q. Did you at any time demand of Mr. Becket, at the secretary of state's office, an audience of Mr. Ryder? A. Never.

Examined by *Mr. Perceval.*

Q. When you on Friday applied at the secretary of state's office, did not Mr. Read tell you that you ought to make arrangements with the lord mayor as to an escort through the city? A. I believe it was on Friday, and I answered before that I had not then made such an arrangement.

Q. Did not Mr. Read then state to you that without a city magistrate to attend the military you could not go into the city—that without a magistrate the military would probably refuse to go on, and that therefore a city magistrate should be provided to act in that character? A. No.

having declined to answer, had deferred to the judgment of the house, it would be for the house to decide, whether he should be called upon to give any answer, if the honourable member pressed his question.

Mr. Whitbread thought the question of importance, and therefore begged leave to press it.

The Chancellor of the Exchequer doubted whether the house ought to press this question. The Attorney-general was, it appears, called upon in his official capacity to be consulted by the cabinet, and the object of this question was to obtain from him the materials of his advice; but such an inquiry must be imperfect, unless the whole of what passed at the council was gone into. He submitted that the case under consideration was not of a grave nature involving the conduct of ministers, as to demand such proceeding, arising as it did quite incidentally out of the examination of the Serjeant at Arms. Although the house might on important occasions enter in its inquisitorial capacity into the examination of even cabinet councillors, he trusted it would be very cautious of establishing a precedent for unnecessarily penetrating the secrecy of cabinet deliberations, and dissolving the confidence which was so often requisite to give those deliberations effect. From these considerations it was that the house was generally so cautious about examining a cabinet councillor, and he trusted the motive which produced that caution, would operate in this case. While he regretted that the honourable gentleman should not obtain the particular object which his question had in view, yet for sake of a general principle he must press his objection.

Mr. Whitbread observed, that there were numerous precedents for the examination of privy councillors by that house; and he maintained that the interrogatory under discussion related to a point of such importance as demanded the fullest explanation, particularly respecting the warrant. When it was recollected that Westminster had been for so many days in a state of tumult and commotion—when some of the king's subjects had been actually slain—and when this was alledged to result in a great measure from ministers not having done their duty, could it be pretended that such a case did not call for inquiry in every quarter in which information could be had? Notwithstanding the confident tone held by the gentlemen on the other side on late debates, with respect to the

Speaker's warrant, it now appeared that late on Saturday evening last those gentlemen, with the first lord of the treasury at their head, thought it necessary to put a question to the attorney-general as to the validity of this warrant. (*No, no, no, on the treasury bench.*) He appealed to the recollection of the house upon this subject. But the case would be more fully explained by the answer which his question had in view. He would, therefore, press it; and he trusted the house would decide upon the propriety of seeking every possible information as to the conduct of government in such disastrous times.

Mr. Perceval denied that ministers put any question to his learned friend as to the validity of the warrant, and therefore the honourable gentleman was under a mistake. He begged to say, that government had no doubt of the legality of the Speaker's warrant; but in consequence of the doubts existing in the mind of the Serjeant at Arms as to the legality of breaking open the outer door of Sir Francis Burdett, in order to execute that warrant, it was deemed expedient to refer the question to the consideration of his learned friend, and upon this question alone he was consulted.

Mr. Whitbread said, that in mentioning the validity of the warrant, he meant the extent to which it could go—that is, the power of executing it on its boasted omnipotence.

Mr. R. Dundas expressed his astonishment at hearing, and from the quarter opposite, that his majesty's government should be chargeable with any blame for not interposing their authority, a mandate to direct or controul the conduct of an officer of that house. The reference to the opinion of the Attorney-general was, he observed, with a view to solve some doubts which had been put into the head of the Serjeant at Arms, not by any of the ministers, but by some magistrates and others.

After a few more observations from Mr. Whitbread and the Chancellor of the Exchequer, the latter withdrew his objection to the examination of the Attorney-general—and the learned gentleman stated in reply to Mr. Whitbread's question, that on Friday morning—on recollection he begged to say, Saturday, he attended the cabinet council, and being called upon for his opinion as to the legality of breaking open the outer door of Sir Francis Burdett's house, in order to execute the Speaker's warrant, he re-

quested time to consider it. He felt it to be quite a new question, and being unacquainted with any case in which such a difficulty arose in the mode of executing such a warrant, he had no precedent to refer to, but reasoning from analogy as to other warrants, the tendency of his opinion was, that the door ought to be broke open for the purpose of executing this warrant. This impression was the result of the best consideration which he could give to the case, and therefore he told the Serjeant at Arms that he would be justified in breaking open the door. But at the same time, he stated that he could give no decided opinion; as far, however, as his opinion went, which was grounded not upon authority, but reasoning, he thought he'd or might be broke open.

Q. (By *Mr. Whitbread*) Have you stated all that passed at the council upon the subject of this warrant? A. I also stated to the Serjeant at Arms the consequences of so executing the warrant if not justified in law. If a conflict were to ensue from which any death should follow, I observed, that the Serjeant would or would not be justified according as the mode I have described of executing the warrant should be deemed legal or illegal; and I think I also stated, that if any thing should happen to the Serjeant himself, it must depend upon the legality or illegality of the mode of executing the warrant, whether any person should be criminally responsible for the consequences.

Mr. Whitbread observed, that if the house were now in possession of all the information desired upon this subject, he would move to have the minutes of the evidence printed.

A member whom we did not know moved, that the messenger who accompanied the Serjeant at Arms to Sir Francis Burdett's house on Friday night, should be called in and examined.

Mr. Jacob, in rising to second this motion, took occasion to observe, that the inquiry should take a wider range than gentlemen appeared to have in contemplation. The object of all the interrogatories seemed to be to criminate the Serjeant at Arms, the ministers, or the prisoner, and for this purpose only one witness was examined. Nothing had as yet been gone into to affect the criminality of the prisoner, or to expose any of his secret advisers, whether members of that house or not. (*A loud cry*

of name, name!) He only meant to suggest the propriety of extending inquiry upon this subject, in order to ascertain whether any member of that house, or who had recently advised Sir Francis Burdett to resist the authority of the Speaker's warrant. It appeared to him that the house had at least as much right to call upon any member to violate his confidential counsels with Sir Francis Burdett, as it had to call upon the law officer of the crown to violate his consultations with the king's cabinet.

Lord John Cavendish rose to order. He conceived the honourable member to be quite wandering from the question properly before the house.

Mr. Ponsonby also rose to order; but

The Speaker interposed and expressed his opinion, that the honourable member was not out of order—as he was only adducing arguments to fortify the proposition before the house for further inquiry.

The honourable member resumed and observed, that he was not disposed to believe that there were any of the secret advisers of Sir Francis Burdett's conduct among the members of that house. The declaration, indeed, of one honourable member (Sir S. Romilly) this night, whom the newspapers set down among the advisers of Sir Francis Burdett, justified this disbelief. But still he must say, if it appeared that there were among the members of that house any secret advisers of the honourable baronet, he saw nothing inconsistent or inappropriate to the purposes of this inquiry, to call upon such gentlemen for an explanation of their advice and motives.

Mr. Whitbread begged to submit a few observations upon the insinuation of the honourable gentleman, which was certainly by no means dark or difficult to be understood. The honourable gentleman concluded, he must say, not very liberally, that any private advice given to Sir Francis Burdett, on his late proceedings, was hid. Now he happened to have his own name set down in the newspapers, not as among the advisers, but as among the visitors of Sir Francis Burdett; and he hoped it would not be deemed less honourable in him to avow, that he was one of the visitors of the honourable baronet, than it was in his learned friend near him, (Sir S. Romilly), to correct the erroneous mention of his name. He had certainly never visited Sir Francis Burdett before, nor ever

dined at his house, but once some years ago. But on Saturday evening last he was induced to visit the honourable baronet, in company with another member of that house, who was better acquainted with the honourable baronet, and he did state such considerations to the honourable baronet as he thought would have had an influence upon his mind. He mentioned hypothetically what he himself would have done under similar circumstances. In order to avert the consequences likely to follow to the king's subjects, he discussed the line of conduct which he himself would have thought it advisable to pursue, even acting upon the honourable baronet's own principles, and he must say, that he was received with the utmost possible attention; that the honourable baronet very politely attended to every observation he made. The advice which he offered to the honourable baronet was not secret, but in the open day; and he would appeal to the candour of the house, whether, if even secret, it was therefore to be deemed bad. He felt that he had done his duty in calling upon the honourable baronet, and offering the advice he did. In making that call he was acting in compliance with the earnest solicitations of a friend, and he certainly felt that far from doing evil, he was likely to promote what he conceived a very desirable good.

Mr. Jacob disclaimed any personal allusion. His observation being confined to an *if*, relative to any members of that house being among the secret advisers of Sir Francis Burdett.—[*A general cry on the opposite benches of name! name!*]

Mr. Ponsonby said, that whatever were the professions of the honourable gentleman, there could be little doubt, that the manner and deportment of that honourable gentleman in the course of his speech was most unfortunate, if they were ment to second the construction which that gentleman wished to have put upon his words. He (Mr. Ponsonby) would confidently appeal to the house, and ask; if there was one more within its walls, who would take upon him to declare, upon his honour, that he did not believe that the honourable gentleman meant to affix a charge of giving secret and bad advice to Sir Francis Burdett, upon some member of that house. (*Hear, hear!*) And what could have been meant by such an imputation? He did not hesitate to say, that it was an imputation that could not be too speedily retracted—(*Hear, hear!*) By

what privilege did that gentleman assume to himself the right of throwing out at random groundless aspersions against the motives of other members, in what they believed to be the conscientious discharge of their duty? When the honourable gentleman made the charge he did, he was called upon to name the objects of his charge. He did not do so, and in not doing so, the honourable gentleman involved himself in the embarassment, either of making charges which he could not, or would not, support. He would advise that honourable gentleman to be more cautious for the future, and not to deal out conjectural invective against men as undeserving of such attacks as any that could make them. (*Hear, hear!*)

Mr. Secretary Ryder stated, that the least part of the motives which then influenced him to rise, was that of vindicating his majesty's ministers from the attack that had been made upon them. His principal object was, rather to vindicate the privileges of that house, which had been so grossly trampled upon. The Serjeant at Arms had been described as the agent of ministers. How did that appear? Not surely in the obedience of that officer to the suggestions of the ministers. He (Mr. Ryder) admitted, that his situation, for the last four days at least, was a most responsible situation—(*Hear, hear!*) responsible as that situation was, and humbly calculated as he was to fulfil its duties, still he would contend for it that there was no deficiency on the part of the ministers. Much had been said of what the government had omitted to do; but he would contend for it, that had the government not done what it had done, the mischief might have been incalculably greater. (*Hear!*) But ministers had been asked why they did not do on Friday what had been at length done on the Monday following? In answer to that question he would say, that it was not the part of the executive government to take from the house of commons the right of enforcing its own order. As far as the executive power was concerned in assisting in carrying into effect a legal warrant, so far the aid of the executive power was not wanting. The civil and military power had been called forth, and where, he would ask, was the object in visiting upon ministers undefined and ill-supported accusations of not maintaining the public peace? What effect had such charges? Had not some of the

speeches they had heard a tendency to excite popular irritation, and give rise to dissatisfaction. (*Order, order*!)

A member rose to order, and complained of charges having been made against the motives of certain members who had spoken, by complaining of the tendency of their speeches, which he presumed to be disorderly.

The Speaker said, that he conceived it to be within the prescribed limits of debate for any honourable member to speak to the tendency (in his judgment) of any speech he had heard, and in that sense he concluded the honourable member (Mr. Ryder) to be in order (*Hear, hear*! *Chair, chair*!)

Mr. Secretary Ryder then proceeded to restate his assertion, and concluded by expressing his earnest wish that all the proceedings of government on this momentous business were in detail before the house.

Sir John Anstruther stated that a right honourable friend of his had been charged with great warmth upon this subject. He confessed that it was not one upon which he could speak very coolly, when he recollected that, owing to a remissness in some quarter or another, the lives of his wife and children had been for a long time endangered. He asked if there was a man who doubted that this business had been brought upon the house by ministers, and if their official influence had not been the means of procuring the decision that had been ultimately determined on. (*Order*!) He was not out of order—he spoke of their influence in that house as men of talents and responsibility. He then adverted to the evidence of the Serjeant, and appealed to the house, if it did appear from that evidence that ministers had not taken any steps whatever to provide against consequences, which might have been so easily foreseen. The opinion of the Attorney-general was not taken until late on Saturday, why was not hat opinion taken on Friday morning, and forthwith acted upon? If it had been taken and acted upon, what might it not have saved—the confusion of two days, the lives of some of the king's subjects; he censured the sort of advice given to the Serjeant by the ministers, it amounted to this—"Go and execute your warrant, you shall have all possible aid both civil and military—but then we can't say how far you may lawfully go—never mind, however, do your duty, and 'tis no

matter whether in the event you are hanged or not for the attempt." (*A laugh.*)

Mr. Dundas expressed his sincere regret for the violence done to Sir John Anstruther's house, but contended for it, that if the executive had gone farther, they would have been as loudly censured as they now were for what they had omitted to do. He denied that ministers had any reason to anticipate, and to provide against the unexpected and unprecedented resistance on the part of Sir Francis Burdett.

Mr. Williams Wynne contended that ministers were bound to provide against all consequences resulting from a measure which they had taken such pains to prevail upon the house to adopt.

The Attorney-general vindicated the conduct of ministers against the charge of remissness. The Serjeant at Arms, to whom, however, he wished to impute nothing which the facts of the case did not substantiate, had twice through himself, and once by means of his deputy, the opportunity of taking Sir Francis into custody, if he had availed himself of those advantages. In either case, any resistance afterwards made by Sir Francis or his adherents, must have been construed into a rescue, which would have fully warranted the breaking into his house.

Mr. C. W. Wynne argued that ministers should have been aware of the validity of the warrant, and of the mode of executing it, before they proposed that such a measure should be adopted by the house.

Mr. Sharpe, from the observations which he himself had been enabled to make, was of opinion that all the consequences resulting from the measure which had been adopted were imputable to ministers.

The motion for calling in the messenger was then withdrawn.

Mr. Whitbread moved that the papers and evidence before the house be printed.

The Solicitor General for Scotland wished that a letter from the Serjeant to Sir F Burdett, and his answer thereto, not at present before the house, should be presented, and printed along with the evidence now adduced. —Ordered.

FUNDING OF EXCHEQUER BILLS.

Mr. Perceval having moved, that the house should go into a committee of supply, for the purpose of funding an additional number of exchequer bills,

Mr. Whitbread wished that the measure might be postponed, he having a case to state, connected with the subject, in which, as presented to him, grievous injustice had been committed.

Mr. Perceval wished that the house should go into the committee. The honourable member, on bringing up the report, or in any after stage, would still have an opportunity of bringing his complaint forward. The sole object he had at present in view was the funding of exchequer bills to the amount of the subscription entered into by individuals more than the 8,000,000*l.* already subscribed for, which surplus only amounted to about 500,000*l.*

The house having gone into a committee, a resolution was passed allowing the additional sum of 300,000*l.* to be funded.

The resolution was ordered to be reported the next day, and the committee were appointed to sit again on the following Wednesday.

The report of the judges salaries bill was brought up and agreed to, and bills ordered accordingly. The other orders of the day were postponed.

Adjourned.

HOUSE OF LORDS.

TUESDAY, APRIL 10.

REVERSION BILL.

Lord Holland wished to call the attention of the house to the reversion bill, not for the purpose of now giving notice of moving the second reading, which he did not wish to do in the absence of a noble earl (Grosvenor) who had taken a distinguished part in the discussion upon it, but for the purpose of reminding his majesty's ministers of the objection that was made to the former reversion bill, that his majesty's consent was previously necessary, in order that no such objection might be made to the second reading of this bill, there being now ample time for his majesty's ministers, previous to the discussion, to advise upon that point, and come prepared with their determination, —Adjourned.

HOUSE OF COMMONS,

TUESDAY, APRIL 10.

SIR F. BURDETT'S LETTER.

Mr. Curwen moved, at a few minutes past five o'clock, that the adjourned debate on Sir F. Burdett's letter, be resumed.

The Speaker said, that by the courtesy of the house, the member who had proposed the adjournment was entitled to resume the debate.

The house having waited for some minutes longer for Mr. C. Wynne, and he not appearing,

Sir John Newport rose and stated, that he did not think the honourable gentleman alluded to had moved the adjournment, with a view to prepare any specific proposition, but merely that the house might have an opportunity of maturely considering what course it would be most advisable to pursue. He did not imagine, that his honourable friend thought it more incumbent on him than on any other honourable member to submit a proposition to the house.

The Speaker said, there could be no doubt that any member had a right to call for the resuming of the debate. The house, in courtesy, was accustomed to wait for the member who had proposed an adjournment, till a certain hour, but that hour was now gone by. He therefore called on Mr. Curwen.

DEBATE ON THE LETTER RESUMED.

Mr. Curwen then proposed, that the debate be resumed, which being agred to,

The Speaker stated, that the question was, whether Sir Francis Burdett's letter should be laid on the table.

Mr. Curwen then rose and observed, that if he had though the honourable baronet had intended to have denied the authority of that house entirely to imprison, he would not have voted on a former occasion as he had done. The language of the letter, before complained of in that house, he had imagined, might have proceeded from a warmth of feeling without any disrespect being intended; but after what had passed since, he could hardly doubt what the principles and feelings of the honourable baronet were. No man felt more strongly than he had done, the propriety of a moderate reform of that house, in

order to secure that confidence from the people upon which its strength and its utility so materially depended. But he could not agree that this would be best effected by the endeavour to bring the whole house of commons into contempt. Whatever might be his opinion of ministers, however much he might think they had erred in the course of the events that had taken place within these four days, he must, in justice to them, say, that the circumstances were unlooked for, and that here, at least, they had some excuse for their conduct. He now was compelled to think, that the letter (probably the letter of Sir Francis to his constituents) was part of a system; and that if the house had not taken notice of it, that it would have been dragged into something else. Under such circumstances, it was the duty of the country to endeavour to strengthen his majesty's government, and such, he trusted, would be the feeling of the house. With regard to the immediate question, if the honourable baronet had not intended any thing wrong in the late proceedings, the course of his conduct proved how little dependance was to be placed upon his judgment, and he hoped the house would be unanimous in consigning the present letter to the oblivion which it deserved. If any proceeding should be had upon it, the consequence would be, that a licence for tumult would be given, the military must be withdrawn, and the consequences might be still more serious. He thought this letter a trap for the house. He even deprecated for the present any violent discussion on the conduct of ministers. Whatever might be his opinion of the administration, he must support the government. The times were altered, and till these changed again, he would not moot any thing that had a tendency to diminish the authority of government in general. When the effects of ferment were gone by, he should then think himself at liberty to blame any part of the conduct of the administration in this business that appeared to him to deserve censure—though he must, for the present, support it. Thinking that the course most becoming the dignity of the house would be to take no notice of this letter, he moved, that the further consideration of it be adjourned *sine die*, or till this day six months.

Mr Davies Giddy having voted against the motion for the commitment of Sir F. Burdett to the Tower, thought himself called upon to say a few words. He voted on

that occasion, not as questioning the offence, but as thinking it better not to have recourse to this severity in the first instance, being satisfied, that if the offence was the result of bad intention, a future occasion would be given for the exercise of the ultimate power of the house. Conscious of rectitude of intention in his own mind, he was slow in ascribing improper motives to others. But he was sorry that he could not now give Sir F. Burdett credit even for rectitude of intention. As to that letter, he did not well know what epithet to apply to it—that scurrilous letter, if he might be allowed to apply one epithet to it, he thought it would be most becoming the dignity of the house to pass over without notice. He therefore seconded the motion—or rather the amendment of the last speaker.

Mr. Adam did not know but the mode now proposed was as advisable as any other, for the letter was such as made it somewhat difficult to deal with it. But this was not the consideration which induced him to present himself so early to the notice of the house. He was ready to bind himself to that conduct which might be necessary for the support of government, in dangerous and difficult times—but he could not agree with his honourable friend behind him (Mr. Curwen) that the events which had lately occurred were such as could not have been foreseen—(*Hear, hear!*) and that the ministers were not highly culpable for the part which they acted. (*Hear, hear!*) By their negligence, a state of things had been produced which shook this metropolis to its foundation—(*no, no, no, from the ministerial benches*;)—or at least a scene had been presented which must reflect considerable blame upon those by whom it had been occasioned. This question had been before ministers a full fortnight. They had every opportunity of knowing the law, and the precedents on the subject. The adjournment which had taken place, had given them complete means of deliberation, before they came to the consideration of what ought to be done in consequence of the decision which they themselves had procured. He asked, who were the guardians of the public peace? Was not the secretary of state to be considered in that light? Was he not bound to know the situation of things; the state of public feeling; and to be prepared accordingly? As members of parliament, too, the ministers were bound to look after the privileges of the house.

Not only as servants of the king, but as magistrates, &c. they were bound to take care that means should be provided by the civil power to enforce the warrant, and to know in what manner it ought to have been enforced. He then came to the delay which they had occasioned—that delay which had made the difficulty of executing the warrant greater—and which caused the necessity of employing, for that purpose, a force of a different description from that which would otherwise have been sufficient. Those who had to advise the Serjeant on the subject, it appeared, did not know the effect of the warrant! How then was it possible to exculpate them when they had not before considered what was the law upon this point, notwithstanding the ample opportunities afforded them? Were they not bound to suppose, under all the circumstances, that it might happen that the person to be apprehended might be found only at his house, from which he could not be taken without an act of force? An act, which did, at last, become necessary, and, which was not greater than the occasion required. Persons combining all the characters to which he had adverted, ought surely to have known the effect of the warrant. But their ignorance of that effect had, besides other unfortunate consequences, occasioned a doubt of the validity of the warrant. These doubts could not but have generally existed, when it was observed that persons high in the law, and in other departments, did not know how it was to be executed. As to the effect of the warrant, he himself had no doubt whatever. This was not an after-thought with him. This was a warrant in execution, not in mean process, and issued for an offence which that house declared to have been committed. They were not to go to courts of law for their justification. They stood on the law of parliament, which was part of the law of the land, and founded on reason. They were entitled to every assistance that might be requisite—to that of sheriffs, magistrates, police officers, &c.; not only in Middlesex, but in Surrey, or any part of the kingdom; and to do what?—to enforce obedience to a warrant of apprehension, for an act which the house of commons had pronounced to be a crime. He did not mean to blame his honourable and learned friend; but he blamed those who had not taken care to be sufficiently informed upon the steps which might become necessary, in consequence of a decision which they them-

selves intended, if possible, to secure. Instead of this, the house had on its minutes an account, from which it appeared, that down till twenty-four hours before the warrant was executed they did not know whether they were entitled to break open a door! He asked, then, what confidence was to be placed in their industry, their judgment, or determination? It was for the purpose of making these observations on the conduct of the ministers in this transaction that he rose. He had no personal animosity against any of the gentlemen on the other side, and he trusted there was no part of his conduct which indicated any such feeling. With several of them he had lived for a long time on terms of friendship. But in the discharge of a public duty these things were to be forgotten. He was bound to declare, that he had no doubt of the effect of the warrant, and that the delay in the execution was imputable to the individuals, and not to the nature of the case. He was bound to say, that the privileges of the house were as undisputed as if the warrant had been executed in the manner prescribed by a just view of these privileges, which had been assumed for the purpose of enabling the house to maintain its station in the constitution, and to protect the liberty of the subject, of which that house was the guardian. He had no objection to the amendment of his honourable friend.

Sir John Anstruther rose to state what he conceived to be the duty of the members of that house, merely as such, without looking either to the one side or to the other. He never had any doubt as to the privilege of the house, and the mode in which the warrant ought to have been executed; and he could not but blame the ministers, who had not before-hand made up their minds on that subject. But was he to give up the government of the country, because it happened to be in the hands of bad ministers? Those who had marked his conduct could not, he thought, imagine that he would, for a moment, entertain the idea of betraying the government, whatever might be his opinion of those by whom it was conducted. Whether the administrators were fit for their duties or not, it was still the government, and must be supported. Whatever might be his opinion of the ministers, he could not hesitate about the part he ought to take, when the question came to be, whether the country was to have a government or not. Whenever matters came to that pass, it was the highest privilege of

a members of parliament to support the government. The constitution was not to be sacrificed for the sake of getting the ministers into a difficulty. Even if they had an hereditary title to their seats, the government must be supported. He had never disguised his opinion, that his majesty had been advised to place the government in the hands of men unfit to conduct it in times of difficulty and danger. For the ministers, individually, he had a great respect. They had competent talents to a certain extent; (*hear, hear!*) but, as a body, they were not the men who ought to have the administration of the government in these times. But though they were not the best qualified for the discharge of these duties, he could not agree to give up the constitution either to the crown or to a mob. As to the letter, under the circumstances in which it had been written, and considering the motives which had dictated it, he thought the best way of dealing with it would be to pass it over in silent contempt.

Mr. Perceval then rose. After the observations which had been made on the conduct of the ministers, he trusted the house would think that he was called upon to advert to the most unjust attack which had been made upon them—and not only unjust but most impolitic, even in the view which they themselves entertained of the proceedings which had taken place within the last four days. That they should so far shut their eyes as to ascribe unfortunate effects which had resulted from the delay in the execution of the warrant to the conduct of ministers, was, he maintained as impolitic, upon their own views, as it was unjust. They laid to the charge of ministers the hesitation which had been evinced in acting upon a warrant, the execution of which depended not on them, but rested upon the discretion of the proper officer, whose duty it was to have executed it at his peril! What would have been the opinion of these gentlemen, if, at a time when one of the sheriffs was proclaiming that the interference of the military was unconstitutional, the ministers had taken the warrant out of the hands of the proper officer, who hesitated, and executed it themselves? If they had done this, and blood had been shed and murder had ensued, before there was any proof that the proper officers had been unable to execute the warrant, and consequently before there was any evidence of the necessity of their interference—what then would have been the opinion

of the gentlemen on the other side—what would have been the just judgment of the house on such conduct? (*Loud cries of hear, hear!*) But, whatever they might say about the imbecility of ministers, in the execution of a plain duty, he was conscious that the imputation was not justly cast upon him. He was sensible, that no man was fit for this or any public situation who, seeing the line of his duty clear, was deterred from its execution by any personal consideration. He had, at first, taken the line which he thought his duty prescribed. He had seen that that had already happened, which they only saw approaching. He had seen in the former letter, every thing which appeared in that now under consideration—he had seen that the object was to revile the house of commons, and to bring it, if possible, into universal contempt. He did not blame the gentleman opposite (Mr. Curwen) who had thought his proceeding uncandid. He trusted, however, he would now confess, that the event had proved that his former judgment was not uncandid—and he had at last the satisfaction to find, that he and the honourable gentleman agreed on this point, at least in principle. He trusted, that it would always be the plan of the government of this country to leave the law to its course, taking care, however, that the public security should not be endangered. (*Hear, hear, hear!*) They cheered at the expressions "public security." Did any one say, considering the degree of liberty enjoyed by the subjects in this country, that by any preparation, disturbances of this kind could at all times be entirely prevented? It was utterly impossible, that individual assassination and tumults of this description could be altogether prevented. The utmost that could be done was to be prepared to suppress them before they arrived at an extent dangerous to the public security. He maintained, that there had been no negligence on the part of ministers, but that they had been perfectly ready to suppress disturbances as soon as the circumstances called their power into action. He had never, from these tumults, entertained any apprehension about the safety of the government. The government was now as safe and as firm as it had ever been. The ministers had always been ready to suppress the first appearance of violence. He trusted, therefore, the house would pause before it pronounced that the ministers had been to blame, for not interfering with the delib

of the proper officer—one not removable at their pleasure, before the circumstances called upon them to do so. If the question had been put to him, when this matter was before under discussion, he would have at once stated his opinion, that the Serjeant would have been justified in breaking open the door. But when the person, whose duty it was to execute the warrant, hesitated and doubted, whether he might not be acting illegally, in a case where the most serious consequences might have taken place, was it imbecility in him to tell what his own conduct would have been under similar circumstances, without presuming to control, or even to advise the officer in the discharge of his duty? The gentlemen on the other side, he contended, had taken a most unjust view of the conduct of ministers. If that conduct had been different, their judgment would have been directly the reverse. They ought to consider that they were giving their opinions under different circumstances from those in which the ministers had to decide. They now gave their judgment, as if it had been on a point of science, free from all responsibility. Their argument was, that the ministers had abstained from using a force beyond the law—for if they had controuled an independent officer in the execution of his duty, it would have been an illegal act. What would they have said, if ministers had, before the necessity was proved, taken this upon themselves? Having stated this much, in answer to the observations that had been made upon the conduct of ministers, he would now come to the letter. He agreed with the gentlemen on the other side, that any ulterior severity was unnecessary, and would be inexpedient. But he thought a middle course would be better suited to the dignity of the house. When such a letter as this was received, he thought the passing it over without notice, upon the ground of contempt, was very equivocal. Although the house would not suffer itself to be entrapped, yet it would take care not to shrink from its duty. Under these circumstances, he did not think it necessary to propose any further punishment. The punishment he had before proposed was, for a defiance of the authority of that house, and the present letter was but a continuation of the same, and a proof of the same offence. It was, however, no doubt, a great aggravation to repeat it. What he would therefore submit was, that a resolution should be adopted, to the following ef-

lect—"That the letter which Sir Francis Burdett had written to the Speaker, was a high aggravation of his offence; but it appearing, from the report of the Serjeant, that the warrant, for his commitment to the Tower, had been executed, this house did not think it necessary to proceed any farther on the said letter." The consideration of that letter might be important at a future opportunity; for instance, if an application should be made for the discharge of the writer. As they were agreed as to the principle, he would, however, readily come into the ideas of the gentlemen opposite, if they could convince him that their mode of proceeding was the best, but he thought the course he proposed to follow the best—most consistent with the dignity of the house, and at the same time avoiding those consequences which the honourable gentleman opposite (Curwen) apprehended from any further proceeding. He suggested that the honourable gentleman should withdraw his amendment to let in his resolution, if not, the course would be to negative that amendment, and then to propose the resolution.

Mr. Whitbread could not upon principle assent to the right honourable gentleman's motion, who now, he observed, professed to be influenced by expediency. He was glad to find that the right honourable gentleman was at length willing to attend to the expediency; that he and his friends were disposed to consider consequences; that they were come to their senses, and felt that they ought to have foreseen and provided against resistance to the Speaker's warrant. (*A cry of no, no! upon the ministerial benches.*) Really, he thought, that from the beginning the right honourable gentleman ought to have seen reason to apprehend that the execution of the warrant would have been resisted. Sir Francis Burdett's declared opinion of the character of the warrant was calculated to induce the apprehension, and yet it appeared that the right honourable gentleman was quite unprepared for the event. This formed a serious ground of complaint against him; but there was another ground of complaint. It would be recollected, that when the honourable baronet actually resisted the warrant, the case was referred to the consideration of the right honourable gentleman, and his answer was, that he knew not what advice to give, as there was no precedent whatever in which this warrant had been resisted. Now he put it to the right honourable gen-

tleman personally, professionally, and officially, whether, upon abandoning the law to pursue politics, it did not become his duty to study parliamentary history with somewhat more attention. In point of fact, there was a precedent of the Speaker's warrant having been resisted long before that issued against Sir Francis Burdett, whose manner of acting he was by no means disposed to justify, and that resistance was accompanied by contempt. But in this precedent how did the house proceed? why, they voted that the party so resisting was sick. Such was the mode by which the house averted any conflict upon that occasion. But yet, as to the privileges of the house, he was as ready as any man to maintain them, and that the warrant of the Speaker was complete; that if good for any thing it was good for every thing, and, that it authorized the breaking open of doors, if necessary, in order to enforce its execution. If it were not invested with that authority, what, he would ask, was to become of the most important functions of that house? How were witnesses to be brought to the bar, as in the recent investigation respecting the Duke of York? How was the house to come at various points of information material to the performance of its first duties? In a word, if the Speaker's warrant were not omnipotent, what was to become of the inquisitorial character of that house? It was impossible that the people could be so insensible to their own best interests —could be so besotted as to entertain a wish of wrenching from the house a power so essential to all the good purposes of its institution. Let it be recollected, that although the house of commons had erred from its duty in many instances, it ought not to be deprived of those privileges which were indispensable to its utility and power, when it should become more conformable to the opinion and the interest of the people. That it must become so conformable he could entertain little doubt. Indeed, he would venture to say, that the cause of reform was making rapid progress; that within the last month many, very many, converts had been made to that cause. Let it then be asked, in what state the house would be placed in the event of a reform, if stripped of the power under discussion—if the Speaker's warrant were not omnipotent? The crown was known to have a considerable influence in that house and elsewhere; and what must the people expect to be the inclination of that influence in the event of reform?

Must they not calculate upon its hostility, and what power could a reformed house of commons have of counteracting that hostility if its warrant were not effective? Upon this ground he thought the Speaker's warrant ought to be omnipotent. But although he maintained the power of this warrant, it did not follow that he would vindicate an improper application of that power, as in the instance of Sir Francis Burdett. At the same time, as it was deemed proper to issue the warrant against that honourable baronet, why should it be conceived necessary, so long after its issue, to consult the Attorney-general as to the mode of its execution? One should suppose that an opinion upon this subject should have been previously obtained, and that the city of Westminster should not so long have been suffered to remain in a state of tumult. The right honourable gentleman (Mr. Perceval), and his right honourable friend the secretary of state (Mr. Ryder), took credit, it appeared, for the assistance they offered, and the exertions they made upon this occasion. But what said the Serjeant at Arms? Did he not state at the bar, that he could not get a sight of the secretary of state? and also, that until Monday morning he could not obtain adequate assistance? (*No, no! on the ministerial benches.*) He was in the recollection of the house, and the minutes, when printed, would serve to shew how far he was correct. The right honourable gentleman (Mr. Perceval) attempted to excuse himself by stating, that he had no right to interpose with the execution of the Speaker's warrant, unless specially applied to for aid. But what did the right honourable gentleman do when so applied to? why, the Serjeant at Arms was referred to the Bow-street officers. He begged the house to remember the deposition of this officer, enfeebled as he was by so many sleepless nights, and to consider the circumstances of an individual so situated without any decisive advice, or adequate aid to enforce the warrant with which he was intrusted. The right honourable gentleman claimed credit for not calling in the military prematurely. But why not call in the civil power? That in fact did not at all make its appearance until Monday, in conjunction with the military. He was happy to hear it admitted by the right honourable gentleman, that the tumult which gave rise to this discussion was not the result of any deep laid plan, that there was nothing more than an ordinary mob which could be quieted by the or-

dinary means!! (*No, no! on the ministerial benches.*)—The honourable member deprecated these interruptions—he repeated his conception of the right honourable gentleman's admission, that there was no apprehension of any extended plot or conspiracy in the recent disturbance. Such indeed was the general conviction, and that those disturbances would never have occurred, if the discreet advice of these gentlemen had been taken who voted for the reprimand on a former evening, there could not now exist a doubt. But while he deplored the indiscretion of ministers, and complained of their manner of providing for the execution of the Speaker's warrant, he begged it to be understood, that he meant not to make any apology for the conduct of Sir Francis Burdett. On the contrary, he thought that the honourable baronet, even upon his own principles, ought not to have persisted in his resistance. After five days opposition he did yield to force, and he might as well have so yielded, for his own view of trying the question, within the first five minutes after the warrant was presented to him. He was, therefore, no apologist for the conduct of Sir Francis Burdett. A noble lord had interpreted the honourable baronet's letter to mean a resolution to resist the execution of the warrant. Then it was matter of complaint that arrangements were not promptly taken to enforce its execution. Why, in fact, was not the warrant executed, as it might have been, by two or three constables within an hour or two after it was signed? (*Hear, hear! on the ministerial benches.*) Gentlemen on the opposite side meant, no doubt, as indeed they endeavoured, to throw the blame upon the Serjeant at Arms, but they could not succeed. The house could never conceive blame fairly imputable to an unlearned man, with a mere military education, for doubt and ignorance upon a subject, with regard to which the learned lawyer, the first lord of the treasury, professed his inability to decide, and felt it necessary to refer to the advice of the Attorney-general. If any of his friends were to resort to such an expedient to palliate the neglect of official duty; if they could attempt to cover themselves by casting blame upon such an officer, he would really be ashamed of them. But ministers upon this question seemed to call forth the compassion of the house. What claim, however, had they to that consideration? Westminster was in commotion, and leaving that commotion to

extend, they took time to consult lawyers. It would be remembered that when, in 1780, it was proposed to take the opinion of the judges, as to the mode of repressing riots, a great man exclaimed, "What! wait for the opinion of the judges, and all London may be in flames in a few hours? No;" said he, "let us act immediately, and take the responsibility upon ourselves." But ministers were not in this instance so courageous. No; the right honourable gentleman shrunk from the occasion, and now endeavoured to shelter himself by the censure of a subordinate officer. (*Hear, hear!*) It was stated that some difference of opinion prevailed between the sheriffs and the magistrates on Sunday, and that this difference occasioned a delay in the execution of the warrant. No proof, however, of such a difference appeared. But, in fact, the execution of the warrant ought to have taken place before the period that difference was said to arise. Now, with regard to the effect which the cause of this discussion appeared to have upon the mind of an honourable friend behind him (Mr. Curwen), he was certainly surprized at it. His honourable friend said that he would stand by the government—that ministers ought to be supported in such a crisis. But he would seriously ask his honourable friend, whether he could call upon any gentleman connected with him to rally round a rush—to rely upon weakness? Was it possible, after the proofs of imbecility and vacillation which those ministers had so recently afforded, that his honourable friend could considerately press such a proposition? If he would, his honourable friend must excuse him if he rather preferred staying where he was, and declining the connexion. The honourable gentleman feeling the consequence likely to follow any attempt to proceed, in this instance, to the extreme alluded to by some gentlemen, particularly recollecting the case of Wilkes, he expressed his preference for the more moderate course. If an expulsion were to take place, the house was aware what must follow. All must know what an election for Westminster was, and all must calculate upon the consequence of Sir Francis Burdett's re-election, though apparently against his will. An expulsion, therefore, was a proposition not to be entertained even upon this ground. But he disclaimed all sense of fear as among the causes of his opinion. No; he was not afraid of the consequences of conspiracy among any set of

persons whatever. (*Hear, hear!*) This he thought proper to state, as some gentlemen had alluded to conspiracies. But at the same time he would not be understood to believe in the existence of any conspiracies whatever, nor did he mean to cast any censure upon Sir Francis Burdett, although he must say, that had the honourable baronet confined himself to a proper shew of resistance, instead of proceeding to extremities, he would have placed his popularity upon a throne from which it could never be dislodged. (*Hear, hear! on the ministerial benches.*) What, did gentlemen really imagine that their manner of viewing things was general; that the country was filled with lawyers and attornies like themselves, likely to make distinction between the validity and value of a warrant? He could assure the right honourable gentlemen, that numerous converts had been made to the doctrine of Sir Francis Burdett, not merely by his own arguments, but by the conduct of the right honourable gentlemen themselves. Let the recollection then of this conduct urge the house to attend to considerations of expediency in due time. Let the house beware of doing things where they could not foresee the consequences. He really believed there were few who would not have been willing to revoke the vote they were induced to give, upon the proposition of the right honourable gentleman, or, at least, what he proposed through another, that Sir Francis Burdett should be committed instead of being reprimanded. (*No, no! from a few voices.*) He would ask the honourable gentleman himself, who brought the subject before the house, but whom he did not then see in his place, (*a laugh,*) whether he did not now regret the proposition? Sure he was, that a feeling of regret upon the decision of the house, in this case was general. (*No, no! from the Chancellor of the Exchequer.*) Why, the right honourable gentleman could not pretend to know every body, although every body knew him from the situation which he happened to hold. He was persuaded that there was now scarcely any difference of sentiment as to the intemperate conduct of ministers upon the question alluded to; and that the wiser course would have been to vote for the reprimand of Sir Francis Burdett. It was argued, that if the honourable baronet had been reprimanded, he would have forced the house to go farther; but to that it was answered, that then the honourable baronet would have been palpably wrong.

Of course, if the house had proceeded to committal, it would have stood acquitted in the eye of the country. Here the honourable gentleman took occasion to submit a few words to the consideration of the house, as to its future conduct. He hoped that recent experience would teach the house the propriety of cautiously abstaining from passionate decisions; that it would not allow itself to be provoked into rage by such a miserable production as that of Gale Jones, which led to so much evil; that it would not enable such a man to occasion trouble, by putting a sword into the weak hands of an angry minister; that it would not be forward to take notice of frivolous libels, and thus bring those privileges into question among the people for whose benefit alone they did or ought to exist. As to the consequences which arose out of the recent disturbances, he hoped and trusted they would be minutely inquired into, and those minutes reported to that house. The people ought to see that where serious outrages were committed; where lives were actually lost, nothing was left undone by that house to procure information, and to administer all the redress in its power. Of the two propositions before the house, he confessed that he should prefer that for an adjournment. To the Chancellor of the Exchequer's observation, that the letter of Sir Francis Burdett should be inserted upon the journals, with the opinion of the house upon it, in order to be referred to in the event of any application from the honourable baronet for his release from the Tower, he should only say that, in the first place, such an application did not appear to be at all likely. But, if it were made; if the honourable baronet manifested any disposition to make a proper concession to the authority of the house, he should be willing to have this letter forgotten altogether. Indeed, upon every consideration of policy and experience, the house should decline to put this letter on the journals. He would therefore oppose the right honourable gentleman's motion, for which, however, upon a general principle, he could never consent to vote.

Lord Temple said, that from the whole statement he had heard, he was completely convinced of the misconduct of ministers. It appeared that on Friday night the Speaker desired the Serjeant to inform ministers that the warrant would be resisted, and to demand assistance from the secretary of state; yet nothing had been done till Monday

morning. He conceived ministers entirely to blame, and looked upon them as answerable for all the blood that had been shed, and all the lives that had been lost on the occasion. As to the motions before the house, he should prefer that of the right honourable gentleman, because it took notice of Sir Francis Burdett's letter to the Speaker as an aggravation of the offence, and might be produced in bar to any petition, or other application to the house for his release from confinement.

A member observed, that the house, when sitting on Friday, ought to have been apprized of the apprehensions entertained as to the execution of the Speaker's warrant, in order that measures might have been taken by the house accordingly.

The Speaker took occasion to address the house, conceiving, that by this observation it was meant to impute to him a neglect of duty. The honourable member's charge, he observed, involved two points; the one as to a matter of fact, and the other as to a matter of opinion. It was stated, that while the house was sitting on Friday night, he was informed of Sir Francis Burdett's intention to resist the execution of his warrant, and that he ought to have notified that circumstance to the house.

The honourable member who made the observation, rose and stated, in explanation, that not knowing the contrary when the house met, namely, that no resistance would be made, the house ought to have been apprized of the circumstance.

The Speaker resumed, that far from having any doubt upon the subject, the Serjeant at Arms told him, that Sir Francis Burdett would accompany him to the Tower on Saturday morning, and that he had so arranged it with him. But his instructions upon receiving that intelligence from the Serjeant was, that he should proceed forthwith to execute the warrant. At that time, however, and until a late hour that night, he had no apprehension whatever, that any resistance was in view. With regard to the remarks of the hon. member upon the subject of the advice proper to be given to the Serjeant at Arms, when the intention to resist was known, he certainly gave the best advice in his power. When the Serjeant told him that civil aid was required to execute the warrant, in consequence of the mob assembled about Sir F. Burdett's house, he thought it his duty to refer him to the Secretary of

State. Throughout the progress of the business, he had had frequent communications with the Serjeant at Arms, both night and day. In fact, for forty-eight hours, it had engrossed his time and attention, as to deprive him of any repose whatever. But it might be supposed by some gentlemen, that he had failed in his duty, in not giving that advice to the Serjeant which he had since received from a grave opinion as to the breaking open an outer door for the purpose of executing his warrant. Upon the Serjeant's expression of his doubt on the point of breaking open the outer door, he certainly did not feel himself justified in advising him to do so. There being no case whatever of a similar instance upon record, he had no authority to guide his judgment as to the legality of such a proceeding; he thought proper to refer the Serjeant to the judges of the law. He hoped the house would not find any fault with him for not advising the Serjeant to put his life in jeopardy. He felt that he ought not to urge any man to risk his life in a proceeding which he would not think right to undertake himself. Such was his opinion at the time, and such was his opinion still. The house referred the Serjeant to all the sources from which he was most likely to obtain competent information, to these officers who were accustomed to the execution of warrants of contempt. But as to the breaking open of the outer door of a house to execute his warrant, having, as he before observed, no precedent or authority whatever to direct his judgment, he could not advise the officer to risk his life upon analogies and reasoning. (*Hear, hear!*) Such being his conception, he took that course which he thought best, by referring the Serjeant at Arms to those who were most competent to decide and direct that officer's operation.

The Attorney General said, that if the occasion should again occur, he would give the same vote he had already given. The honourable baronet had been convicted of an offence of which that house was cognizable; an offence that in his mind went to set at nought the authority of that house; for if the doctrine of the honourable baronet could be established, the privileges of that house were at an end, and its authority of course, which could be supported only by the maintenance of those privileges. He would ask those gentlemen who had been so anxious for a vote of reprimand in preference to that of commitment, supposing that the

majority of that house had been of their opinion, in what manner did they think that reprimand would have been received? The honourable baronet would have looked down upon such a censure with feelings very opposite to those necessary to be entertained by the object of a reprimand, in order to make that reprimand effectual. That honourable baronet would have looked upon it as if a man of rank and eminence was reprimanded by his servants in his servants' hall. For this, and the other reasons he had already stated, he never should regret the vote he had given for commitment to the Tower, though no man deplored more sensibly than he did, the fatal consequences that had resulted from carrying that measure into execution. The learned gentleman next proceeded to defend the conduct of ministers respecting the delay that had occurred in enforcing the Speaker's warrant. He denied that ministers were bound to have provided against the possibility of resistance to that warrant on the part of Sir F. Burdett. That honourable baronet had declared in that house, that he did not dispute their right to imprison one of their own members; and after such a declaration, would government have been warranted in the suspicion, that a gentleman, and a man of honour, would have disputed it as it had been disputed. The opinion he had given upon this subject was necessarily qualified; because the case being without precedent, he had no authority by which he could fortify the suggestions of his own judgment, save that of the principle upon which he argued. He thought that the zeal of his learned friend (Mr. Adam) had outrun his judgment, when he insinuated that their having doubts upon such a question was a matter of reproach. He contended that if, on the other hand, ministers had been less cautious in calling out the military aid, they would have been loudly censured by gentlemen opposite, as having been too precipitate in resorting to military aid. He further contended, that the secretary for the home department, so far from being culpable in having referred the Serjeant to the civil magistrate for advice and aid, would have been culpable if he had not done so.

Sir John Sebright said, that if he could have formed any conception that the honourable baronet could have been capable of proceeding so far, he would have been the last man in that house to have compromised its authority, by acceding to the adoption of any other than the most

rigorous proceedings. If ever there had been conduct more disgraceful than any other that had yet come under the cognizance of the house, it was that of the honourable baronet. If that honourable baronet wanted to try the simple question of right in the present instance, was it not in his power to have done so without disturbing the public peace for four successive days? Was this his love of civil liberty stirring up an infuriated mob to aid him in the grave solution of a great constitutional question? Was it an instance of his zeal for civil liberty, that a tyrannical mob should line the front of his house and compel every passenger to uncover while passing the house of Sir Francis Burdett? He (Sir John) was not one of those disposed to pay that servile testimony of compulsory homage to the house of the honourable baronet, and in consequence he nor his carriage did not pass that way. (*A laugh.*) He agreed in every thing that had fallen from his honourable and esteemed friend, who had opened the debate (Mr. Curwen), and thought the house bound, for the sake of their own dignity, to support his majesty's ministers in the present critical emergency. Before he sat down, he would say one word in behalf of a person whom he thought had not been done sufficient justice to, he meant the Serjeant at Arms, whom he described as a man of great activity and tried personal courage. He thought that the conduct of the Serjeant throughout was wholly free from blame.

Sir Samuel Romilly said, that it was not his intention, at present, to go into the reasons of the vote he had already given, even if it was thought necessary, in consequence of late occurrences, to restate those grounds. His principal object in now rising, was to mark to the house, in vindication of the vote he intended to give, the difference between the resolution proposed by the right honourable the Chancellor of the Exchequer and the original amendment; he was one of those who thought that the first letter and argument of the honourable baronet was not an offence cognizable by that house, and being of that opinion, he could not now agree to a vote, calling his subsequent letter to the Speaker, an aggravation of that original offence. At the same time, he had no hesitation in stating his sense of the gross impropriety of that letter; and with respect to the whole conduct of Sir Francis Burdett, since the vote of commitment, he confessed that it was to him a matter of astonishment that that honourable baronet could have

been prevailed upon to adopt the counsel he had acted upon in furtherance of an object that was attainable in a way so obviously preferable to the one so injudiciously resolved upon. Had Sir Francis, in the first instance, gone immediately to prison, he would have had all his legal remedies just as open to him as they now were, after all his obstinate resistance, and all the fatal consequences that had resulted from that resistance. He could not, however, agree with those who affirmed that this contest had served not only to assert, but to advance the dignity of the house. He could not see how their dignity had been either advanced or asserted, and more particularly so when they now demurred upon the propriety of expulsion, lest not the mob, but the peaceable electors of Westminster should again return upon them the person they had expelled. With respect to the improvidence of ministers, it was idle to attempt to get rid of that charge, by retorting the charge of improvidence upon others—if those upon that side of the house had predicted all the precautions of resistance that had since been taken, they would have been accused by gentlemen opposite as having caused the evils they foretold, merely because they had foretold them. He concluded by stating it as his sincere opinion, that the conduct of government throughout had been highly culpable.

Captain Parker, in a tone of great animation, animadverted upon the alledged impropriety of the learned gentleman's aiding, by his counsels, the efforts of the honourable baronet to exalt in the country a standard of sedition and tumult. (*Cries of order, order!*)

Mr. Ponsonby rose to order, and was proceeding to comment upon the highly unparliamentary language that had been resorted by the honourable gentleman, when

Captain Parker readily acknowledged, that he had been inadvertently hurried into an expression that could not at all apply to the learned gentleman, and apologized to that gentleman and the house for the error he had been momentarily betrayed into. He could not, however, help expressing his wish, that the house would adopt the proper course at once, and expel Sir Francis Burdett. The objection to that seemed to be, that Sir Francis would be returned again; but he had too good an opinion of the good sense of the electors of Westminster to believe that possible. He was satisfied, that when once they knew all the particulars of his late conduct, they would never return him to represent them again in that house.

Sir Samuel Romilly and Captain Parker mutually explained.

Lord Porchester thought no language could be too strong to reproach the conduct of the honourable baronet, from beginning to end. He felt himself obliged, upon this occasion, to rally round the house, and the authority of the Speaker and his warrant; but at the same time he thought the calamities which had taken place proceeded as much from the backwardness of ministers as from the intemperate passions of misguided individuals. He could not avoid condemning the opinion given by a right honourable and learned gentleman (the Attorney-general), that a reprimand from that house to Sir Francis Burdett, would be like a reprimand in the servants' hall from his own servants. He could not see the justice of this comparison, or how it could be adduced as an argument for imprisonment instead of reprimand. It had been asked, whether gentlemen on that side of the house apprehended any opposition to the warrant? He would say that he did contemplate an opposition to it, from that which had been stated in the very paper, in which the gentleman on the other side said that he had acknowledged the right of the house to commit its members. In that very paper, however, he found fault with a warrant similar to that under which he had been arrested, and, therefore, there was reason to suppose that he would not have submitted to it. The Serjeant at Arms was placed in a most awkward situation. When he asked for military aid, he was told, that he should have it, but that he must act at his own peril; and that if any lives were lost, and his conduct should turn out to be illegal, he might be hanged for it. It really appeared as if ministers, upon this occasion, as upon a former one (the Walcheren expedition) first resolved upon a *coup-de-main*. (*Hear, hear!*) But afterwards when they heard that the honourable baronet had actually locked his door and put up the chain, this appeared to them a combination of circumstances which was not to be foreseen. Their *coup-de-main* had then failed; they began to consider Piccadilly as a fortress, and it required many meetings of the cabinet council to determine how it was to be attacked. (*Hear!*)

Mr. Stephen was a little surprized at the opinion of his right honourable friend (Sir S. Romilly), that as there was no original offence, this letter could not properly be

called an aggravation. His right honourable and learned friend appeared to go the whole length of arguing, that Sir Francis Burdett ought not to be in any manner punished for the insults offered to the house in this letter. The amendment which declared it an aggravation of his former offence, would go so far in punishment, that if the honourable baronet, or any body for him, should petition for his discharge, this paper would then be taken into consideration in assigning the proper measure of punishment. As to the conduct of the honourable baronet in the mode of resistance he resolved on, he was glad to find that no honourable member in that house approved of it; and this was a circumstance upon which he might congratulate the house and the country. The honourable baronet might have tried the legality of the warrant without adopting the mode of resistance he had chosen. It appeared to the other side of the house, that a warrant which did not allow an outer door to be broken was absolutely nothing. They however seemed to have forgotten that there are many writs for debt in civil action, which could not be enforced by breaking doors. These writs were however not reckoned as nugatory, nor did he see that it would be any impeachment to the dignity or authority of the house, if their warrant was on the same footing as many of the king's writs, which do not justify the breaking into a house to enforce them. Some honourable gentlemen opposite had said, that they had foreseen the consequences which had followed from the vote for the commitment of the honourable baronet. But for his own part, he never could anticipate any resistance to the execution of the warrant, because the whole of the argument against that vote went to shew that it would be a triumph to the honourable baronet to go to the Tower, from which he could issue his libels in abundance. It had been charged upon his majesty's ministers, that they had not taken sufficient measures for the security of the metropolis, as well as that they had not given to the Serjeant at Arms a sufficient force to enable him to execute the warrant. As to the first point, he contended, that all proper measures had been taken to insure the peace of the metropolis. It was not to be expected that the government, in the expectation of riots, should have stationed a military force in every street. If they had so done, their conduct would have been most loudly con-

demned by the honourable gentlemen opposite, for having endeavoured to put down the civil by resorting to the military power. Great credit was due to the government for their precautions, as well as to the military, for the moderation which they had displayed, in the course of the painful duty they had to perform. As to the charge that no adequate force was placed at the disposal of the Serjeant, that had been so often already answered, that it was strange it should still be repeated. The warrant might have been executed either on Friday or Saturday, without any necessity for forcing the outer door; and in the end the warrant had fortunately been put in execution without any recourse to military force, or any effusion of blood. Whilst it was to be apprehended that lives might be lost on both sides in case of executing the warrant by force, what would have been the opinion of gentlemen respecting the conduct of government, if ministers had ordered the Serjeant to execute his warrant? If it turned out to be illegal to force the outer door, and that lives had been lost in a conflict, would it have been a justification of the Serjeant, on an indictment for murder, to plead the directions of his majesty's ministers? When a doubt existed in the mind of any of his right honourable friends, it was perfectly right to suspend the execution of the warrant, till that doubt was removed by a referring to the highest legal authority. From all the attention which he had been able to bestow upon the subject, it was his opinion that his majesty's ministers, so far from deserving reprobation, were, on the contrary, for the whole of their conduct, entitled to praise. But it had been tauntingly asked, on a former night, whether they would call this standing by the king? To this, he should answer, Yes. To stand by the privileges of that house, was to maintain the authority of parliament; and to stand by the parliament, was to stand by the constitution, and consequently by the king. Upon the whole, he was convinced that the ministers had done their duty; and if the honourable gentlemen opposite should bring forward any motion for a direct censure against them, they would find themselves opposed by an unusually large majority.

Lord Temple stated in explanation that he had imputed it as matter of blame to his majesty's ministers that they had not till Monday placed more force at the disposal of the

the Serjeant as he deemed necessary to enable him to execute the warrant.

Sir Samuel Romilly explained, that he had never said that he had foreseen the consequences which had resulted actually from the vote of commitment, but that he had foreseen consequences from that vote which he did not deem it proper to state at the time.

Mr. C. Wynne denied that it had been stated as a matter of charge against his majesty's ministers, that they had not employed the military in the first instance. The charge was, that the honourable secretary of state being at the head of the civil power, had not employed it so soon as he should have done, and was responsible for all the dangerous consequences that might have resulted from the time lost. It would not be said that his majesty's ministers were unacquainted with the scenes that took place, as they might have learned them from one of their own body. (Lord Westmoreland, who had been assailed with some mud by the mob.) Ministers were culpable for having left Piccadilly during the whole of Friday, in the possession of a riotous collection, who obliged all that passed through the street to take off their hats to the majesty of the mob. A few constables, employed in time, would have dispersed the assemblage of boys, scarcely fifteen, engaged in that riotous proceeding. The mob that attacked the house of his honourable friend (Sir John Anstruther), might have been dispersed in the same way; as well as that which had assailed the house of the noble lord opposite. (Lord Castlereagh.) None but boys were at first concerned in the disturbances; but when it was found that they were left so to act with impunity, others bent upon more serious mischief joined, and then their first march was to Downing-street. The military were resorted to upon that occasion, but not until the riot had come under the very noses of his majesty's ministers. The Serjeant at Arms had a right to expect that those who supported the issue of the warrant should have pointed out to him how it was to be executed. If the Serjeant had gone to consult his learned friend (Mr. Adam), he was convinced he would have received much better advice than it appeared he had received. His honourable and learned friend had very properly not considered the question on narrow grounds of legal analogy, but rested it upon much higher

grounds. The house must have every power necessary to give effect to its warrant. What other court had the same power to send its officer to search the house of a witness for papers, as that house had done last year in the case of Captain Sandon? The house unquestionably possessed all the powers necessary to enforce its warrant, and it was with regret he found these powers weakened, by being placed upon lower grounds than those upon which they actually rested. The warrant was an attachment of a criminal nature, as having issued upon a conviction declared by a vote of that house. With respect to the question before them, he could not help agreeing to the amendment of the right honourable gentleman (the Chancellor of the Exchequer), though, with a view to unanimity, he should throw out the propriety of substituting for "a high aggravation of his previous offence," the words, "that the house had received the paper with great indignation." If his honourable friends should agree to a resolution so worded, they might pass it with unanimity; but at the same time, he must add, that he had himself no objection to the words of the amendment as it then stood.

Mr. Beresford observed, that however indecorous or disorderly it might be for gentlemen to interrupt others when speaking, by expressing the words "yes," or "no," the house would excuse him when he admitted that he was one of those who had so interrupted an honourable and learned gentleman in that manner. If that honourable member were then present, he should gladly make an apology to him. The ground of his interruption was, that to a question put by the honourable and learned member, he was anxious to answer that he did not regret the vote which he had given in the former instance; for however enigmatical it might appear to others, it was his opinion, that except the shedding a little blood, much good had resulted to the constitution and the country from the whole proceeding. He had voted for sending Sir Francis Burdett to the Tower, because he thought his object was to overturn the constitution, and revolutionize the country. When he had used the words "No, no," it was to shew that he was not afraid that, in case of his expulsion, the electors of Westminster would re-elect this sanguinary man; he could use no other term, because, if he were not sanguinary, he might have maintained his

principles without hazarding the effusion of blood. He was not to be intimidated; nor did he think the house would be intimidated by any apprehension from a mob. If he was not aware that he should not carry the feeling of the house with him, he should move for the expulsion of that honourable baronet. He should, therefore, vote for the amendment of the right honourable gentleman (the Chancellor of the Exchequer).

Lord Milton meant to confine himself to the subject actually before the house. They had two propositions before them, one for passing over the letter without any notice; the other a resolution, that it was a higher aggravation of the former offence. To the first he could not give his concurrence, and still less upon the arguments employed by the honourable gentleman, its author, in recommending it to the house, because, if good for any thing, these arguments would be good against taking any steps against the honourable baronet. He agreed that it would be unworthy of the magnanimity of the dignity of the house, to be intimidated by any fear of the mob, or by the terrors of a Westminster election. But as he could not support the motion, so neither could he agree in the amendment, because whilst it agreed that the letter was a high aggravation of the previous offence, it still stated that it was not necessary to take further notice of it at present. The letter either was or was not an aggravation of the former offence. If it was an aggravation, the house should notice it. In evading any notice of the letter, the amendment would have the same effect as the motion. If it was an aggravation, it was better not to take any notice of it. But as all were agreed that the letter was an aggravation, the resolution should be worded in another manner. The house was bound to take some further steps, which it was not for him to point out. And here they had experience of the embarrassment resulting from their vote for commitment. Had they stopped short at reprimand, they might have still something in their hands. But they had expended all their ammunition, and had inflicted the greatest punishment at once. If they had stopped short, they might, in this instance, send the honourable baronet to the Tower. As he could not agree in either the motion or the amendment, he should not feel himself at liberty to vote for either, and should consequently vote against both.

The Honourable Mr. Lyttleton thought, that if ever there had been a question that called for unanimity, it was the one under consideration. He should not, however, travel into the extraneous topics which had been introduced into the discussion, and by none more than the honourable and learned gentleman opposite (Mr. Stephen), whose compliments to the gentlemen on his side of the house, he looked upon as insults, and upon whose observations, considering his age and learning, he should not animadvert, if he had not heard them with a degree of indignation. Notwithstanding the defence of his majesty's ministers, which had been made by that honourable member, he was convinced that much of the guilt would fall upon them. Whatever opinion might have been entertained of the propriety of censuring the former letter of Sir Francis Burdett, there could be but one opinion as to the latter. No honourable member could doubt that it was an insult to the Speaker, and through him to the house. The house was therefore bound to express its resentment at the proceeding; and so strongly did he feel on the subject, that he was bound to declare himself called on, and determined to resent it. This sentiment he could not utter but with regret. Those gentlemen who were acquainted with the engaging and amiable manners of that honourable baronet would give him credit for the reluctance he felt on this occasion. Whatever he felt himself bound to say was wrung from him by the strongest conviction, and a conscientious sense of public duty. However painful the task, whatever sacrifice it may cost him on the score of private feelings, he was still compelled, upon conditions of a higher public nature, to perform his duty. It was an imperious obligation upon him, which he was bound unanswerably and unalterably to discharge, by declaring that the case under consideration was one which was not to be justified. He could not reconcile it to any principle of patriotism, or public spirit, that one who professed to be the friend of liberty, and the advocate of the laws, should for four days have continued a fruitless resistance to the Speaker's warrant, at the hazard of incurring the loss of lives. It was the opinion of a great statesman, now unfortunately no more (the late Mr. Fox), that nothing could justify resistance but the certain prospect of the ultimate success. The honourable baronet could certainly have entertained no hope or prospect of

being able, by means of a riotous mob, successfully to resist the whole military force at the disposal of the government; and yet he had, to the great disturbance of the quiet metropolis, persevered in a fruitless resistance for four days. Amongst the grounds of complaint which he had against the honourable baronet he could not pass over his implied promise to the Serjeant at Arms, to accompany him to the Tower. He had lived on terms of friendship with that hon. baronet: but this was an act so wholly unworthy of him, that he must for ever adjure him either as a private or a political friend. Another ground of complaint on his part against Sir Francis Burdett was, that from the first to the last moment of his obstinate resistance, he had been attended in his house by the brother of a notorious and avowed traitor. This he could not easily forgive him. He was far, indeed, from inferring the treason of one brother from the treason of another. He did not mean, by any means, to say that Mr. Roger O'Connor was a traitor. But if, what was impossible, he had been in the situation of Sir Francis Burdett, he should not have associated with any man to whom suspicion could attach; he should not have been attended by the brother of Arthur O'Connor, that vile traitor, who employed himself in writing, in a paper published in the English language at Paris, the most foul, false, and scandalous libels upon the British government and nation: a paper printed in the English language no doubt with a view to be circulated in these realms. Was this the manner, by the introduction of foreign libels and treasons, that the liberty or public spirit of the country was to be asserted and animated? All such proceedings of the honourable baronet he should disclaim, and was determined to oppose him in every instance. He had but one word to add. He had thought that the former letter ought not to have been noticed, because he had a doubt as to the propriety of the proceeding proposed. The house, however, was the best judge of its parliamentary privileges. He had never a doubt that it was an offence that might be punished by a reprimand or a prosecution. He should vote for the amendment, as the stronger measure.

Sir James Hall supported the amendment.

Mr. C. Hutchinson thought that nothing could be more valuable than the privileges of the representatives of the nation for preserving the liberties of the people. He had voted for the liberation of Mr. Jones, and was still of

opinion, with deference to the house, that the argument addressed by the honourable baronet to his constituents was not in violation of the privileges of that house. He concluded by saying, that he should support the motion.

Mr. Curwen trusted, that, after some things which had been said in the course of the debate, he should obtain a hearing. He was charged with being afraid of the mob. Now he could assure the honourable member who made that charge, that in submitting his motion to the house, he was influenced by no feeling of the kind. His object was to obtain unanimity. Considering the transactions of the last few days, he felt it to be his duty, and the duty of every man who revered the constitution, to support the government. He regretted the debate had taken the turn it did, and that, instead of confining the discussion to the specific matter of complaint before the house, hours should have been passed in endeavouring to fix upon ministers the charge of negligence. In suggesting the course expressed in his motion, he also had it in view to prevent that disgraceful letter from appearing on the journals of the house. He thought the motives of ministers were well directed in so speedily preparing so large a force, to insure the peace of the metropolis, and enforcing the orders of the house. He did not know that he should have acted differently from them, considering the heavy responsibility attached to their conduct. This was not a moment to pass a censure on their conduct. In a short time he trusted the electors of Westminster would see the conduct of the honourable baronet in its true light. If it was the wish of the house, he had no objection to withdraw his amendment.

The Speaker observed, that could not be done without the consent of the seconder.

Mr. D. Giddy consented.

Mr. Whitbread would not agree to the amendment not being put.

Mr. Gooch was sorry the amendment was not adopted. He must at the same time take an opportunity of declaring, that no resolutions of that house would be strong enough to express his abhorrence of the honourable baronet's conduct. What opinion would any man of honour entertain of that baronet's conduct, after having forfeited his word to the Serjeant at Arms. He never had but one opinion of him. He was pesuaded that it had always been his wish to produce such a crisis as this.

Lord Cochrane trusted he would be absolved by the honourable gentleman who last spoke, of any wish to throw the country into confusion. With regard to the question of privilege, he did not consider the house as having a right to commit Mr. Jones, whatever authority they may claim over their own members. He could not admit that they were authorized to break open Sir Francis Burdett's house to secure his person. With respect to the question before the house, there were several expressions in the honourable baronet's letter not necessary to be used (*a laugh*)—expressions he would call improper; nay, he would go farther, and admit they were censurable, but there were sufficient means of punishing the author, without recurring to an exertion of privilege. The privilege of the house extended only to the punishment of contempts not punishable by the courts of law. He could not agree with some honourable gentleman on his side, that the government deserved to be reprobated for not having acted more promptly. On the contrary, he considered them as deserving of praise for their humanity and moderation. He was informed that when his honourable colleague's house was forced, the military was the first to enter. That was not a way in which the orders of the house of commons ought to be executed. He would vote for adjourning the question, or any other motion that would enable the house to get rid of it.

Mr. Bathurst said that it appeared from the evidence of the Serjeant at Arms, that it was the civil power that first entered Sir Francis Burdett's house. It was possible, however, their officer was mistaken. The noble lord might have been in the house, and known better. He wished that it should be made part of the motion, that the object of the house having been gained by the imprisonment of the honourable baronet, it did not think proper to proceed further.

Sir C. Burrel was astonished to hear any imputations thrown upon the military, whose conduct had been most exemplary. Their forbearance of the disgraceful insults offered to them by a rascally mob deserved the highest commendation. There was not one decent man to be found among those who engaged in these scandalous scenes. There was, however, it would seem, no want of assassins among that vile crew. Last night an officer was fired at in the purlieus of the house by a scoundrel; the

ball passed through his hat, and had well nigh annihilated him. He condemned the conduct of Sir Francis Burdett from first to last. Had he been in the situation of that person he would have gone quietly to the Tower, sooner than endanger the shedding of one drop of blood.

Sir T. Orde expressed his disapprobation of Sir Francis Burdett's conduct.

Mr. Wilberforce and Mr. Boyle joined in this censure.

The question was then put on the amendment. The Speaker declared the noes had it; but Lord Cochrane dissenting, the house was cleared for a division, which we understand his lordship afterwards declined pressing.

Strangers were excluded for a considerable time. On our re-admission we found the house engaged in the discussion of an amendment, of which no less than three had been moved. Mr. Whitbread proposed that the word "flagrant" should be substituted for "aggravation" for the purpose of producing unanimity.

After much discussion, Mr. Whitbread's suggestion was adopted by the Chancellor of the Exchequer, who observed, throughout the whole course of the debate, not a single member lifted up his voice in defence of the conduct of Sir Francis Burdett.

It was then agreed that the letter of Sir Francis Burdett to the Speaker should not be entered on the journals, and that none of the amendments should appear on them.

It was then resolved, *nemine contradicente*, "that the letter was a high and flagrant breach of the privileges of that house; but, as it appeared from the evidence of the Serjeant at Arms, that the order of the house had been executed, the house did not think it proper to proceed farther."

A select committee was appointed to inquire into the manner in which the subscriptions for funding the eight millions exchequer bills were received.

The other orders of the day were disposed of, and the house adjourned.

HOUSE OF LORDS,

THURSDAY, APRIL 12.

FOREIGN CORPS.

The Earl of Liverpool presented a return of the effective force of the foreign corps, and explained the

difference between the number as appearing in the account presented to the house; namely, 31,000, and the number as stated in the army estimates, namely 23,000. In the former the West India regiments had been included, which were excluded from the army estimates under this head, and which did not properly come under the denomination of foreign corps; these amounted to about 7,000 men. In the return also was included the 60th regiment, which was excluded from this head in the army estimates. This regiment consisted of five battalions, amounting to about 5,000 men, a large portion of whom were foreigners. In the army estimates, likewise under this head the 97th regiment was included, which was excluded, from this return, and he thought properly excluded, as the regiment chiefly consisted of Irish. Thus it would be found, that excluding the West India regiments and the 60th regiment, the foreign corps would amount to about 18,000.

The Earl of Rosslyn observed, that the 60th regiment could not be properly classed amongst foreign corps, as the greater part of the officers were British, who were promoted in common with the officers of other regiments.

The order of the day having been read,

Lord King said, if any apology was necessary for his introducing this subject, it would be found in the act of the 44th of the king, relative to the introduction of foreign troops into the country. It was only within the last ten years that foreign troops had been stationed in the country, without the pretext of the immediate fear of invasion; and particularly that foreign generals had been employed. Such had been the constitutional jealousy previously entertained, that it was only upon particular emergencies, and under special circumstances, that foreign troops were allowed to enter the country. By the act of the 29th Geo. II. a corps of this description had been formed for service in America, but it was specially enacted, that the colonel should be a natural born subject of his majesty. Subsequently there was an act made to allow of certain Hessian and Hanoverian troops remaining in the country, then under the fear of invasion. In the American war also, there was a communication made to parliament on the subject of Hessian and Hanoverian troops coming into the country, and an act was specially passed. In all these acts, however, the greatest caution was used, and the most watchful constitutional jealousy appeared. But within the last ten years a system of employing foreign

troops and foreign generals had grown up, which he could not but consider as highly unconstitutional and improper. By the act of the 44th of the king, the employment of regiments of foreign troops in the country to a limited extent was legalized, and also the appointment of foreign officers therein; the reason assigned for which was, that the troops might have officers acquainted with their manners and language. This was a perfectly good and intelligible reason, but it was evident, from the continued use of the word therein, that the act was only intended to apply to the appointment of foreign regimental officers, and not to the employment of foreign generals. And he could not but consider, that the employment of foreign generals could only be sanctioned by a strained and forced construction of the act, which the object of it, as designated by the preamble, could by no means warrant. It was true, there were general words towards the conclusion of the act, the meaning of which was doubtful; but if they were to be construed to authorize the appointment of foreign generals, as at present upon the staff, they must be taken to go much further, and to sanction the appointment of a foreigner to any military command. Nay, and he threw this out for the consideration of the noble lords opposite, his majesty might under this construction of the act appoint a catholic commander-in-chief, provided that catholic was an alien. He observed that this act passed on the 16th of July, a period of the session when little or no attention would be paid to it, and when it was probably not considered with any attention. Their lordships were aware, that by the act of settlement, the appointment of a foreigner to any place of trust or profit under the crown was rendered illegal. Previous to that, in the early part of the reign of William III. there were some distinguished foreigners employed as generals in the British service, particularly Marshal Schomberg, who held a high command in Ireland. The act of settlement, however, rendered that practice illegal, and it so continued, unless it was to be considered as legalized by the general words of the act of the 44th of the king, to which he had referred. He could not but consider the appointment of foreign generals on the staff as highly objectionable, and more peculiarly so, that they should have the command of districts, and thereby have the command of our national troops. There appeared also

to be a very improper partiality shewn towards these foreign troops and generals. It appeared by the returns, that the expense of the foreign cavalry was stated at 47*l.* per man, whilst that of our own cavalry amounted to only 44*l.* per man. In the account likewise of the charges for recruiting, there appeared a great disproportion, the charge being 145,000*l.* for our own troops, amounting to 174,000 men; whilst for the foreign troops the charge was 50,000*l.* for only 23,000 men. With respect to the foreign officers also, it appeared that the whole of those who were on the staff, were either colonels or lieutenant-colonels on full pay; whilst half our own officers on the staff were colonels or lieutenant-colonels on half pay; and it was known that, by a regulation, those officers on half pay who were appointed on the staff lost their half pay, whilst those who were in full pay retained it. He had thought it right to call their lordships' attention to this subject, conceiving, as he did, that the employment of such a number of foreign troops was extremely impolitic. Many of them were natives of countries now under the dominion of the enemy, and might have to fight against their countrymen in the service of the enemy. This was a situation in which men ought not to be placed. It was holding out a great temptation to them, whilst on the other hand they could have no interest in the welfare of the country which they served, and but little even in its political independence. He was, however, chiefly desirous of taking up the question upon a constitutional ground; and in this point of view he could not but consider it as highly unconstitutional, that foreign generals should be employed in the country, and still more that they should be appointed to the command of districts when they had the command of our own national troops. His lordship concluded by moving a resolution declaratory of the impropriety of thus employing foreign generals.

The Earl of Liverpool did not think that the noble lord had laid any sufficient ground for his motion. With respect to the facts relative to the introduction of foreign troops, an act was passed in the first year of the present war, in consequence of the Hanoverian troops coming over to this country (Hanover having been seized by the enemy) for the purpose of legalizing their introduction here; and the reason of the late period of passing the

act was, that the circumstance of the troops coming here had just taken place. (It was, however, observed from the other side, that the act of the 44th of the king was passed the year after the commencement of the war, and the Earl of Liverpool acknowledged that he was mistaken.)—The principle of this act was recognized in another act passed in 1806, when the noble lords opposite were in administration, whom the noble lord (King) usually supported. The former act allowed the introduction of foreign troops into the country, to an amount not exceeding 10,000 men, and the latter not exceeding 16,000 men. Thus far, therefore, the constitutionality of introducing foreign troops was sanctioned by the legislature: as to the appointment of foreign generals on the staff, it was of essential use with reference to the service of the foreign troops, and he did not conceive there was any legal objection to their appointment. They had not, however, the command of districts, as supposed by the noble lord. With respect to the difference which appeared between the expense per man of the British and foreign cavalry, it merely arose from a different mode of making up the accounts in this part of the kingdom and in Ireland. As to the statement relative to the foreign generals being allowed their full pay, there could be no fair comparison upon this point, because the regulation that officers enjoying half pay, which was considered in the nature of a pension, should give it up on being appointed to the staff; and that officers on full pay, which was considered as pay for actual service, should retain it on being placed on the staff, applied equally to the British and foreign generals. As to the policy of employing foreign troops in our service, he had not conceived until he heard the noble lord give notice of his motion, that there existed a doubt upon the subject, and with the enemy with whom we had to contend, and under the present circumstances of Europe, he was convinced that the employment of foreign troops, to a limited extent, was highly politic and expedient. He should therefore oppose the motion. His lordship moved, that the other orders of the day be now read.

The Earl of Rosslyn observed, with respect to the act of 1806, that the introduction of it by his noble friends, then in administration, was rendered necessary in consequence of the number of Hanoverian troops who returned

from the expedition to the Elbe, having become greatly increased beyond the number who went there, through the unfortunate result of that expedition. On the arrival of that expedition in Hanover a proclamation of his majesty, as elector of Hanover, was issued, calling upon the Hanoverians to join the British standard—a great number did so, and the German Legion, which went out about 5000 strong, was increased to 10 or 12,000 men. In consequence of the result of that expedition, it became of course absolutely necessary to pass an act, in order that these additional troops might be legally employed in the British service. His lordship entered into some details, shewing that it had been erroneously supposed that the expense of the foreign troops, particularly the German Legion to which he more particularly adverted, was more per man than that of the British troops. With respect to the employment of the foreign generals, he did not consider himself competent to give an opinion upon the construction of the act of the 44th of the king, but he could not help thinking that the words of the act left room for some doubt. The act was, however, that no foreign general had the command of a district; those generals commanded their own brigades, and it was highly useful to the service that they should do so, from their acquaintance with the manners and language of the troops; and a foreign general might accidentally have the command of the militia or other troops in a district in which he was stationed. His lordship spoke in high terms of the services of the troops of the German Legion wherever they had been employed, and also of the generals, particularly Barons Linsingen and Alten, with whom he had been on service. As to the number of foreign troops actually stationed in Great Britain and Ireland, it did not exceed 5,000 men. He thought, however, that the noble earl (Liverpool) had said more than he had intended to say in stating that the legislature had sanctioned the constitutionality of the introduction of foreign troops.

The Earl of Liverpool in explanation observed, that he had never intended to say that the legislature had sanctioned the constitutionality of introducing foreign troops, but merely that the acts which had passed had rendered it, not unconstitutional in ministers to introduce these troops. He certainly never meant to give

up the old constitutional principle; on the contrary, he considered these acts as exceptions to the general principle.

Lord Grenville rose to say a few words on this subject; first, with respect to what the noble secretary of state had alluded to respecting a bill passed during the few months he (Lord Grenville) had the honour last of serving his majesty. He wished noble lords to recollect, that a bill on this subject was passed at the close of the session of 1804; and he hoped they would take example from this instance, and every other of this kind, of the difficulties and dangers consequent on such a mode of introducing important bills into parliament, or they would but ill discharge their duty. He would venture to say, that it was in consequence of such a practice, that the employment of foreign generals remained a matter of legal doubt, even under the provisions of that bill, notwithstanding a practice of six years since; all which doubts might have been remedied by precisely and properly framing that act. When he, and those with whom he acted, proposed the bill alluded to, in 1806, they gave no opinion on the subject, and, consequently, none could be fairly imputed to them. The formation of the measure was in 1804, and the troops had been sent abroad, where most properly such troops should be sent, to their own country, to the North of Germany. During the first week the noble lord was in office, he was in daily fear that army would never return; but luckily it was saved from the wreck of Germany, and from the rashness of administration. He also learned the increase of their numbers. They had been invited to join, in consequence of advice (which would have been reluctantly given by himself), not as fugitives, but for the deliverance of their own country, and of Europe, on the faith of a proclamation. Their situation had to a certain degree become desperate, and they were on their way to the British shores. It was in that case impossible to exercise any discretion on the subject; nothing was a more imperious duty than to keep sacred our faith. Whether the original question were right or wrong, ministers had no option. The present ministers wished always, from a bad habit, to shove off responsibility on the shoulders of others. He could assure them that he came down disposed not merely to defend the policy he had adopted, but also that of 1804. He was not afraid to avow his opinion, that the circumstances

of this country and of Europe rendered it advisable, to a limited extent, to employ such troops to fight in the common cause. The impression was not against the employment of the troops, but against the number of foreign generals commanding districts. This was a case that ought not to admit of doubts, which, it was unnecessary for him to say, might, under certain circumstances, be questioned in the most disagreeable manner. He was much obliged to his noble friend (Lord Rosslyn) for his statement respecting the manner of employing the foreign officers, of whom, and of the troops, he had no doubt of the merits. They (the officers) should be employed as brigadier generals; but it was always an inconvenience when they were employed in command, especially so at home. Government ought, therefore, to take great care that such command should be, if possible, but temporary. The king's servants were bound, in such a case, to exercise more than usual caution.

HOUSE OF COMMONS.

THURSDAY, APRIL 12.

Sir Charles Price moved the order of the day for the second reading of the bill for the removal of Smithfield market.

Alderman Combe opposed the bill, and moved as an amendment, that the bill be read the second time this day six months.

A discussion of some lengthensued, interesting only to those locally or commercially concerned in the situation of the market; in which Mr. Rose so far supported the bill as to wish it might be allowed to go to a committee; as did also Mr. Wilberforce.

The house at length divided, and the bill was lost—

There being for it - 70 | Against it - 87

MR. HUNT'S DEFALCATION.

Mr. Calcraft rose. He had, he said, given notice of two motions, the one respecting the very reprehensible conduct of the board of ordnance, in not taking securities for the fidelity of Mr. Hunt in the responsible situation he filled; the other for the expulsion of Mr. Hunt, as a member of that house. The latter motion he should postpone for the present, as certain documents necessary to be in the hands of members were not yet printed. The former motion, he

should bring on now, in doing which, he felt it quite unnecessary to trouble the house at any length, the facts were in themselves so simple, and the duty for the house to pass a strong censure on the parties implicated, so obvious and so urgent. It appeared from the general orders in the reign of Charles II. that a regulation was imposed upon the board of ordnance, by the neglect of which, in the case of Mr. Hunt, that board had been guilty of a great and reprehensible omission, whereby the public had sustained a loss of 10,000*l.* and for which, according to every principle of justice, they ought to be responsible. Under the general order to which he alluded, the board were bound to oblige the treasurer, before he was allowed to proceed upon the duties of his office, to find securities for 10,000*l.* such as the board should think eligible, and as the treasury should approve. But although Mr. Hunt had, for the second time, been appointed to this office so far back as 1807, he was never obliged by the board to enter into any sureties, and he absconded from his office, and left the country with a deficit in his accounts, as appeared from the ordnance returns, of 93,296*l.* It appeared from the report on the table, that a letter had been written to Mr. Hunt by Mr. Crewe, secretary of the board, and dated April 22, 1807, shortly after the appointment of Mr. Hunt, requiring him to enter into the sureties prescribed; but from that time forth it did not appear, by any document accompanying the report, or by any evidence whatever, that any further steps were taken by the board to oblige Mr. Hunt to give the necessary securities. Now this was so palpable a breach of duty on the part of the board as it was impossible to pass by without censure, consistently with any attention to the responsibility of public officers trusted with the money of the country. If the board had any defence to offer for this flagrant omission, he should be glad to hear it. He had searched and inquired for a motive in every quarter, but could find none. The board of ordnance were amply paid for their own services; they were amply aided by subordinate officers; they sat but three days in a week, and, therefore, could have no plea of being so overwhelmed with business as not to have time to attend to their duty in this case; in fact, they could have no excuse. There was something peculiarly refulgent in the conduct of the board to this gentleman, Mr. Hunt, on the

ground of surity, for which he (Mr. Calcraft) was totally at a loss to account. Upon Mr. Hunt's first appointment to the treasurership, in 1803, he was suffered to remain eighteen months in his office without producing his sureties; and after his second appointment, three whole years passed without obliging him to produce any. Having stated these facts, he felt nothing more now necessary than to state to the house the resolutions he had to offer. It might be said that that regulation laid down in the general order of Charles the second was only imperative upon the *master* of the ordnance. But every one knew, that for a long series of years the official management of the ordnance business devolved upon the board. At present, he believed there was no such officer as the master-general of the ordnance; and he did not mean to impute the slightest blame to Lord Chatham, who, he believed, knew nothing whatever of the transaction. The honourable member then read his resolutions as follow:—

1st Resolved, "That it appears to this house, that Joseph Hunt, Esq. member of this house, has been twice treasurer of his majesty's board of ordnance. That he was nearly eighteen months in that office on his first appointment in 1803, before any security was obtained; and that on his second appointment in 1807, it is not recorded in the ordnance department, that any security whatever was given by him.

2. "That it appears to this house, there is a balance of 93,296*l.* against the said Joseph Hunt, Esq. as late treasurer of the ordnance.

3. "That it appears to this house, the master-general of his majesty's ordnance is directed in the original instructions of king Charles II. under which he and the board now act, to take from the treasurer upon his first entrance on the execution of his place, security to such an amount as he may judge necessary, and as shall be approved of by the treasury.

4. "That it appears to this house, the security taken in the first treasurership of Joseph Hunt, Esq. nearly eighteen months after his entrance on the execution of his place, was 10,000*l.*

5. "That it appears to this house no security was taken on the second appointment of Joseph Hunt, Esq.

6. "That it is the opinion of this house the master-general and the board of ordnance have been guilty of a

breach of the instructions under which they act, and by which they ought to be formed, in neglecting to take security from Joseph Hunt, a member of this house; and are responsible to answer as to this omission of duty, which, from the state of the balances against the said Joseph Hunt, has actually occasioned a loss of 10,000*l.* to the public."

Mr. A. Cooper intended no opposition to the main part of the resolutions; but it appeared that the board at least had not been deficient in their duty. A minute had been made to direct Mr. Hunt's securities to be called for, with which it turned out that he had not complied; but this involved no culpability of the board. He (Mr. A. Cooper,) remembered when a similar charge had been brought in the case of Sir J. Mildmay's compensation against the treasury board; but on its appearing that the error was the work of inferior officers, and that his honourable friend (the Chancellor of the Exchequer) had no share of that error, the censure of the house did not attach to the proceeding, as the general negligence of the board of treasury. It would be in the present instance an unnecessary and unusual act of their judgment to censure the board of ordnance, which lay under similar circumstances; but to obviate a similar occurrence, he should move for leave to bring in a bill to regulate the security to be taken for the discharge of public offices, and for vacating such offices, unless security should be given within a limited time. The board did not know that a balance of 11,000*l.* stood against Mr. Hunt, after his first resignation of office. He must on the whole deprecate so severe a censure as that proposed by the honourable gentleman on the opposite side.

Mr. Ponsonby was surprized that an act like that which had been just stated should have occurred, but was still more surprized at the defence, the idle, superficial, and vague defence, which was attempted to exonerate the board. The defence increased the crime; there was no ignorance of the original transaction; Mr. Hunt's securities had been noted, and a minute made; but the precaution which might have saved a large sum of money to the public was omitted, with the idle and insolent levity of men careless of public opinion or public duty. He would not say that the members of the board of ordnance were all actuated by the same spirit; but it was obvious that there had been a great neglect, and how was it accounted for? The

board had directed their secretary to do the business. He (Mr. Ponsonby) knew nothing of the constitution of the board; but if the house could be induced to pass over such a transaction, it was absurd of them to expect that the country would respect their purity or their pretensions. He (Mr. Ponsonby) would be glad to see the Chancellor of the Exchequer stand up in his place, and after being forced to name the transaction which was then before them, tell them by what title the house was to set forth itself as the guardian of the public purse. Was it possible that the ordnance board should be so much employed as not to have time to enquire whether the secretary had done his duty? The gentlemen on the opposite side seemed inclined to throw the blame on the secretary; but was any negligence of his to excuse theirs? 10,000*l.* was but a small sum compared with the heavy loss which had been sustained—it was small in those expenses to which the present unfortunate state of the world urged us; but the principle was most important; and if this act passed without censure, nothing could persuade the people of the honesty or the virtue of the house of commons.

The Chancellor of the Exchequer would not defend the ordnance board; but the present censure was unsuited to any rational purpose of correction. He must rectify a misconception which had occurred as to the loss of the security. That loss was actually but 5000*l.* so far as the negligence of the board might have been concerned. There were to be two securities of 2500*l.* each, with Mr. Hunt's own for 2500*l.* This last would, of course, have gone, notwithstanding any previous vigilance. The letter of Mr. Crewe, desiring the security, was then on the table—this security was not given, and so far there was an error, but the board had done its duty. He knew that the board ought in strictness—(the word *strictness* was echoed from the opposite side)—Gentlemen might quarrel with the word, but though in strictness the board should have seen that the duty was done, there was no censure to be attached to them for not following their inferior officers through the detail of their business: a certain degree of confidence must be reposed in those inferior officers. Whatever neglect had occurred was the neglect of Mr. Crewe; yet it was to be hoped that the house, acknowledging the services of that highly meritorious officer, would not think a censure on his conduct the proper mode of proceeding. Thus

situated, his honourable friend (Mr. A. Cooper) had proposed a resolution in addition to those before the house, which, admitting the fact of negligence, went to prevent its recurrence. The neglect was undoubtedly to be charged to the secretary; but his services should stand between him and any severe proceeding on the part of the house. But he believed there was no very violent intention against Mr. Crewe; he could do nothing in one way or the other with party, and it was only with party that the gentlemen on the opposite side were anxious to have to do.

Mr. Barham found that the same practice was resorted to on all similar occasions. The crime was always to be thrown off the principal on the subordinate. The right honourable gentleman had just said we should consider on whom the censure was to fall; but the true mode of proceeding was quite the reverse; the only question was, whether censure was deserved, without at all considering where it was to fall. As to the right honourable gentleman's insinuation about sparing Mr. Crewe, because his good or evil could not affect party, it was unjust and unfair. The right honourable gentleman would be ashamed of it on a little reflection, and regret that in a peevish moment he threw out an aspersion which it was impossible that he should believe. He (Mr. Barham) was not fond of using strong words, but he was persuaded that the right honourable gentleman knew there was no ground whatever for so idle an insinuation. What would the public think if the house should itself determine to screen offences like those which were then calling for their fullest revision.

Mr. Whitbread wished to ask one or two questions. Gentlemen on the other side had talked of the laborious duties and minutiæ (he thought that was the word) of the master-general of the ordnance's business. *(No, from the treasury benches.)* Well then, the minutiæ of the board, of which he is the head; that board sat three days in the week, and between three and four hours each time. Here was an oppressive occupation! Did Mr. Crewe make no return of his not having received the securities; and did the omission of that return, which it was their duty to have obtained, or have known the cause, awake none of the sensibilities of that illustrious board, who sat, like the gods of Epicurus, enjoying their tranquil elevation, without allowing it to be ruffled by any care of governing? Did they not look over their own minutes, to see if their own

orders had been complied with or not? But when it was determined to do nothing, the honest excuse was, that there was too much to do. There had now been no master-general for more than a month, and the Chancellor of the Exchequer had declared that no injury had been sustained by his non-appointment. Here there was a sinecure office. Why not find a duty for the lazy emolument of the master-general, and let him look over the securities? The resolutions before the house were fair and unexaggerated; the mere statement of the fact. If they should then decline to do their duty, it was a farce to talk of responsibility; it would be idle to sit there, a mock tribunal, to try allegations which it was previously determined to find false, or to give a judgment which was only a ridicule upon the plainest principles of public and deliberative justice. Who was the proposer of the new act? A member of that very board of ordnance, who admits the whole charge, and yet shrinks from its conclusion. He (Mr. Whitbread) submitted it to, he would call it, the modesty of the house, to say whether, with those facts before them, they could venture to look the public in the face, after acknowledging that negligence was suffered to operate for three years, till the public lost 10,000*l.* by it; also acknowledging that they did not think, or were not allowed to think, the negligence deserving of censure.

Mr. G. Johnstone thought it would be wrong to pass over such a circumstance entirely; yet, as no charge of intentional guilt had been brought forward, the proposed censure appeared to him rather too severe. The omission might have easily occurred in the multiplicity of business in a great public office. He should therefore, propose as an amendment to the resolution of censure, the following one: "That it was the opinion of the house, the master-general and board of ordnance were guilty of a neglect of duty, in not obtaining security from Mr. Hunt, the late treasurer of the ordnance."

Mr. Calcraft could not let the motion pass away in that manner. For what were enormous salaries to be given, and palaces to be bought, for officers? For what were 3000*l.* 2000*l.* and 1500*l.* a year to be given, but for doing public duty, and guarding against negligence? But why expect all the duty from the secretary? Five members sit at the board table three times a week, with frequently but very little in their portfolios, while one secretary at-

tends, and is fully occupied every day from ten in the morning till six in the evening; the board attending from twelve to four, or five. He would ask any gentleman in habits of attending at boards, whether when a letter was sent, the answer was not looked for at the regular time? Why was not Mr. Hunt's security rigorously required, when it was known that he had left office before with a balance of 11,000*l.* against him? A great sum was lost in consequence; yet even if nothing were lost but the security, 10,000*l.* were too much; nay 10*s.* of the public money would be too much to be thrown away. The Chancellor of the Exchequer amused himself with observations on the party feeling which might make them spare Mr. Crewe, because his injury could not affect party. But was the surveyor-general of the ordnance a person connected with party? In this view the board of ordnance was not worth powder and shot; it was not worth five farthings, whether the present members were in or out, so far as party purposes were concerned: but there was a principle which would account for his pressing the point. He was, as a member of that house, bound to look into the disposal of the public money. Thin as the house was then, could it be supposed that he (Mr. Calcraft) felt himself so much lowered in the opinion of his friends as not to be able to have collected a fuller attendance, if party purposes were concerned? but his only object was public justice. Was there to be censure or not? If the minister had a minister's power, he would have displaced some of the members of that board; but bound up in trammels, as he was, he must submit, and appear in that house the humble apologist or the boasting defender of conduct which he must know to be inconsistent with every feeling of public duty. There were in the board but two active situations; one that of the surveyor, and the other that which was held by the honourable gentleman (Mr. A. Cooper) before him; the rest were the mere sleeping partners of the concern. When he (Mr. Calcraft) was at the board, he always demanded security, and followed up the demand. If the honourable gentleman's (Mr. G. Johnstone's) resolution were more acceptable, he must be satisfied with it, but not till he had tried his own.

Mr. A. Cooper begged leave to call to the honourable gentleman's remembrance, that Mr. Ridge, the ordnance agent, had been suffered to remain in his office for a year

without security, though large sums of money, at least 100,000*l.* a year were passing through his hands.

Mr. Calcraft professed his total ignorance of the transaction: he only wished to have his public conduct thoroughly sifted, in every situation in which he was placed; and if he had not done his duty in the fullest, most complete, and most sufficient manner, he was ready to submit to all the censure which could be laid upon him. He had no idea of affixing individual or peculiar blame to the master-general.

The Chancellor of the Exchequer thought that it was no wonder, when the hon. member (Mr. Calcraft) so triumphantly boasted of his perfection, that the honourable member near him (Mr. A. Cooper) should have produced a slumbering fact, to make him recollect that it was at least human to err. It was rather evident, that in the zeal of his reform the honourable gentleman (Mr. Calcraft) was himself not infallible. The act now proposed was to prevent a recurrence of the injury which had occurred, and by operating as a check on the person who received the office, it would do more to effect its purpose than any stimulus applied to the board.

Mr. Ponsonby did not know what effect the fact just stated might have had on the house, but it had none on him. Allowing that there had been a neglect on the part of the honourable gentleman (Mr. Calcraft) near him, it could not excuse the negligence of others. Recrimination was not justification; this agent, Ridge, was appointed by the master-general, and no minutes of his appointment, or his security, were laid on the board table. (*Hear!*) Millions, or at least many 100,000 pounds in the year passed through Mr. Hunt's hands, while Mr. Ridge was intrusted with a far inferior charge of the public money.

The question was then put on the several resolutions. The first five were adopted.

In place of the sixth, the following resolution was moved and agreed to:

"That it is the opinion of this house, the master-general and board of ordnance have been guilty of an omission of duty, in neglecting to take security from Joseph Hunt, Esquire, member of this house, and late treasurer of the ordnance, in conformity to the instructions under which they act."

Mr. Calcraft thanked his honourable friend (Mr. A. Cooper) for adverting to a circumstance which allowed of being cleared with the utmost facility, (of this he was convinced,) as soon as any thing like a circumstantial fact on the subject could be brought forward. He should call him his thrice honoured friend for such a service. The house had now established the fact of negligence, and it remained to be seen whether they would say that negligence did not deserve censure.

Mr. G. Johnstone thought that censure could be of no use in the present case: it was better to provide against future offences than to resolve upon a vindictive punishment for what was past.

Mr. Whitbread expected that the honourable gentleman's (Mr. A. Cooper's) gallantry would have prompted him to push forward on this occasion. He had borne the torture till he could bear it no longer; he kept his little secret charge in store; like a man at an election, he brought out his bad votes when he found it going against him. The board of ordnance were found guilty of neglect, yet they were not to be censured; they could not find time for the simplest act of public duty; they were too much occupied to do any thing. Punishment was deprecated, but there was no security against public crime but public shame. He could not bring himself to think that members were serious in saying there was no room for censure on this singular occasion.

After a few words from the Chancellor of the Exchequer, and Mr. H. Thornton, a division took place.

For the previous question 54, Against it 18.

MR. BATHURST'S INSTRUCTIONS.

Mr. Whitbread said, that as a discussion was to come on after the recess, on the state of the nation with respect to foreign powers, and as there was now left but one power on the Continent with whom we had any communication, there were some papers which he thought might be necessary to elucidate that discussion; and as they were, in his opinion, of such a nature that no objection could be made to their production, he did not think it necessary to take up the time of the house further than, without any preface to move—

"That an humble address be presented to his majesty, praying that he will be graciously pleased to order that

there be laid before the house copies of all instructions given to Mr. Bathurst and Mr. Stewart, or any other person appointed to communicate with the court of Vienna, touching the late hostilities between Austria and France."

The motion having been read from the chair,

The Chancellor of the Exchequer said, he was sorry to differ from the honourable gentleman on the subject. He could by no means agree to any such motion; and it had always been the rule of the house to abstain from calling for instructions given to our own ministers at foreign courts, as it would be opening a door to the discovery of secret intelligence, which could not fail to bring many persons at these courts into considerable danger, and would in its future consequences be highly detrimental to the public service. He hoped, therefore, the honourable gentleman would not persist in his motion; if he did, he must certainly oppose it.

Mr. Canning coincided in opinion with his right honourable friend, and averred, that instructions to our ministers at foreign courts could not be divulged without making a discovery of transactions affecting persons at such foreign courts in the most serious and dangerous manner. At the same time, he could satify the honourable gentleman, that any thing contained in such instructions could by no means avail him in throwing the smallest light on the subject he had alluded to, viz.—the commencement of hostilities between Austria and France. Mr. Bathurst did not arrive at Trieste till the beginning of March, and it was the sixth of April before he reached Vienna; so that hostilities had actually commenced before his arrival. As to Mr. Stewart, he never had any instructions whatever. He went to Vienna merely for the purpose of being at hand in case any thing should happen that it might be advantageous to communicate; but not in any respect to be looked upon as an accredited agent from this country. He hoped, therefore, the honourable gentleman would agree to withdraw his motion.

Mr. Brougham said, that if his honourable friend would withdraw his motion, which he would agree to if the house consented to it, he would on Tuesday next move for papers that perhaps might answer the same purpose, without being liable to the same objections, viz. "for such correspondence between ministers and Mr.

Bathurst, as can be laid before the house without detriment to the public service."

Mr. Whitbread said the play was now over—Austria was sunk, and what power was there now on the Continent but France? He could see no danger to any one by the production of the papers moved for. Ministers had avowed that they were not accessary to the war between Austria and France; and he thought those papers might serve to shew whether the fact were so or not. However, as they were objected to, on the ground of being detrimental to the public service, and his honourable friend thought his motion would answer the same purpose, he had no objection to withdraw his motion.

The motion was accordingly withdrawn.

Adjourned.

HOUSE OF COMMONS,

FRIDAY, APRIL 13.

Sir S. Romilly gave notice, that on Monday he should move for the liberation of Mr. G. Jones.

Mr. Grattan gave notice, that he should soon bring forward the Catholic question, on two great grounds; their claim to general privileges, and their giving security that their bishops should not be appointed by a foreign power.

ORDNANCE SECURITIES.

Mr. Calcraft rose to move for certain papers in evidence of the charge brought by the honourable gentleman (Mr. A. Cooper) on the opposite side, that he had been negligent in requiring security from Mr. Ridge, an agent to the artillery corps. As he (Mr. Calcraft) could not call to his memory every line of the ordnance instructions, and, although he had the book, lay his finger on the part which immediately applied to himself, he should move for that part of the instructions. He wished to know from the Chancellor of the Exchequer, whether, on further inquiry, it was found that Mr. Ridge's security was not obtained; and also, whether those securities had been renewed when a new board of ordnance was appointed; as the securities passed to the board when Lord Moira presided there, would not be sufficient when his place was filled by Lord Chatham. He should now, in defence of himself and his colleagues, two of whom were still at the

board, and of course sharers in his blame, though this was not any part of his defence, require that the instructions to the clerk of the ordnance be produced. But he must observe that there was a strong difference between the cases of Hunt and Ridge; Ridge was an agent appointed by Lord Moira, the colonel of the regiment of artillery; and it was optional with a colonel whether or not he would require security from the agents of his corps.

Mr. A. Cooper said, that there was no mention of agents to the artillery in King Charles's instructions, because, in his time, there was no regiment of artillery; but the instructions contained a general order for taking securities from all officers intrusted with money. There had been a minute made respecting Ridge; and it now had appeared, that the bond had been perfected so far as related to one of the sureties. It was a mistake to think the securities changed by the change of the board, as they were taken in the king's name. But as the honourable gentleman (Mr. Calcraft) defied inquiry, he might probably recollect something of Mr. Hopkinson, an officer through whose hands 103,000*l.* passed in the year, and who had given no security.

Mr. Calcraft observed, that the honourable gentleman (Mr. A. Cooper) shrunk from Ridge's case, and now thought to shelter himself under a new discovery; but how were they to sustain their charge of negligence respecting Ridge, when they, on coming into office, had suffered that person to remain two years without giving any security, until the 24th of February, when Hunt began to be talked of? But the matter must not be laid to rest so quietly. He (Mr. Calcraft) would beg to have Ridge called to their bar, to answer to the truth. As to Hopkinson, he knew nothing of any matter in which security might have been required of that officer; but even here he only asked a day, and he should be able to shew that both charges were equally futile. It was surprizing that the Chancellor of the Exchequer should suffer such a miserable trick to be played off by way of justification for himself and his friends.

Mr. Long admitted, that if those charges were made by way of defence, there could not be a poorer artifice; but defence was not their object. His right honourable friend (the Chancellor of the Exchequer) had fairly said, that, in strictness, the board were wrong; but the honour-

able gentleman on the opposite side had said, "Take pattern by me: do as I have done; I was the upright, indefatigable, incorruptible clerk of the ordnance; and against the glow of his triumph a little circumstance had offered itself, that had been able to chill his sanguine temperament. Flesh and blood could not stand all this ostentation of virtue; and the fact of Ridge's securities had been brought forward merely to teach the honourable gentleman to make a little allowance for poor human nature, by shewing that he could make a slip like others; the slip might be mere inadvertence, but still it was enough to draw him down from his airy elevation.

Sir J. Newport was of opinion, that the government could not be exculpated by criminating others. If they were in possession of charges against any man who had been in office, it was an actual crime not to bring those charges before the house, without favour or friendship; but recrimination was the favourite refuge—the wretched resource of the opposite side, and most particularly of the Chancellor of the Exchequer.

The Chancellor of the Exchequer assured the honourable gentleman (Sir J. Newport) and his friends, that nothing was less in his thoughts than to build his own credit on their want of it; or to think that he rose high in the public opinion, because he rose higher than them. It was evident that the late clerk of the ordnance, (Mr. Calcraft) knew that his duty required security from the ordnance officers; he had gone a piece of the way in Ridge's bond, and if he then left the rest to its fate, was not this a clear proof of negligence on his own confession? The securities were all taken in the king's name; and here was another evidence of the all-knowing, all-inquiring clerk of the ordnance, having been ignorant of one of the simplest facts of his business. As to security not having been asked from Ridge by the present board till lately, they found him in office, and naturally concluded that all the proper steps had been taken by their predecessors. The habit of recrimination had been fastened upon him, but it must have had something to feed on; and it was a curious acknowledgment in the opposite side, that in thirteen months they had committed blunders and errors enough to furnish an apology for all and every error that could be committed after them. It was curious that they could have contrived, before the enjoyment of power had relaxed any of their virtues, to concentrate in a few months

all the spirit of error which had been scattered through the acts of ministers for 30 or 40 years, and leave a store of consolation for the greatest errors that could be committed after them. It was absolutely necessary, and it would be almost an act of compassion, to teach those gentlemen, that they were mortal, and not exempt from the failures of mere mortals of even the humblest order. He would have no objection to the production of the papers which were called for. The honourable gentleman (Mr. Calcraft) might have them when he pleased. Ridge's case came as a perfectly new thing upon him; he had no more idea of it, than he would have had of meeting the Emperor of Morocco.

Mr. Ponsonby admired the exquisite sarcasms and ingenious remarks of the right honourable the Chancellor of the Exchequer; his merits were so transcendant, that they required no foil to set them off. As he rose in office, he rose in reputation; and the people within and without that house thought him greater, more magnanimous, and more worthy of command; the more their misfortunes thickened round them, the more they sunk in the scale of nations, the more their strength was impoverished and their name wasted away. But his good-nature was equal to his talents: he knew of crimes and neglects, yet kept them back with a most affecting spirit of compassion. What was Ridge compared to Hunt—Hunt, through whose hands millions passed? ("*No;* 160,000*l. a year, at most,*" was said across the table.) What then must be the singular negligence that could suffer Hunt to defraud the country of all the money that passed through his hands for an entire year? (*Hear, hear!*) There was no equality in the negligence of the two cases. Ridge's was new to him, but let that and all other such cases be brought before the house; let the people know how their money was disposed of. Mr. Ponsonby concluded a speech of great point and vigour, by declaring, that neither he nor his friends would condescend to receive from the Chancellor of the Exchequer either commendation or compassion.

Mr. Calcraft was confident that every charge which had been alluded to, would be found light as air. The Chancellor of the Exchequer strove to find parallels in the conduct of the last administration for the follies of his own; but here he would fail. The right honourable

gentleman (the Chancellor of the Exchequer) had at length adopted the true tone of sovereignty; *he* was to order such papers as *he* pleased; *he* was to act without asking the leave of the house; *he* was to strut, the petty dictator of the assembly. "But," said Mr. Calcraft, "though he acts as if he had the house of commons in his pocket, though he may order or refuse the papers, the conduct of the representative still goes forth to the public, and my character will be cleared before my constituents."

Mr. R. Ward called the honourable member to order; it was not allowable to say that any man had the house of commons in his pocket.

Mr. Calcraft did not know that it was disorderly to use those words; but he was sure that it was not unconstitutional. He then proceeded to move for papers relative to Mr. Ridge's security.

Mr. A. Cooper also moved for a copy of the minutes of the ordnance board, calling on Mr. Hopkinson, the agent for the horse artillery, to give in his security, and also a copy of the security.

SIR FRANCIS BURDETT.

The Speaker acquainted the house that he had received a letter signed Francis Burdett, on which he wished to know the pleasure of the house. On a cry of *read! read!* he read as follows:

"To the right honourable Charles Abbot, Speaker of the house of commons.

"Sir—You having on or about the ninth of April, inst. as Speaker of the house of commons, forcibly broke and entered the dwelling-house of me, the undersigned Francis Burdett, situate in Piccadilly, in the parish of St. James, Westminster, in the county of Middlesex; and having also, on the said ninth day of April, caused me to be apprehended, and unlawfully committed to a certain prison called his majesty's Tower of London, and to be there imprisoned, and as yet kept and detained in prison there, without any reasonable or probable cause whatever. I do therefore, according to the form of the statute in such case made and provided, hereby give you notice, that I shall, at or soon after the expiration of one calendar month, from the time of your being served with this notice, cause a bill to be filed against you in his majesty's

court of King's Bench at Westminster, and a writ of summons to be thereupon sued out of his majesty's said court of King's Bench at Westminster against you, at my suit, for these said trespass and false imprisonment, and shall proceed against you thereupon according to law. I am, &c. "FRANCIS BURDETT."

Dated the 12th day of April 1810.

The Speaker said it was the option of the house whether the letter should be entered on the journals.

The letter was then ordered to be inserted on the journals.

Mr. A. Cooper moved for leave to bring in a bill regulating the security to be required from public officers.

Mr. Horner objected to the bill, as only increasing the number of statutes, without providing any sufficient remedy against peculation.

The Chancellor of the Exchequer defended the principle of the bill.

A conversation then ensued between Mr. Ward, Mr. Cooper, Sir J. Newport, and Mr. Parnell, who declared his intention of moving an address to the king to displace the board of ordnance.

TYTHES IN IRELAND.

Mr. Parnell said, that in rising to make the motion he should have the honour to propose to the house, he thought he had a claim on their attention, as the proposition he had to submit to their consideration was in behalf of a large body of his majesty's subjects, who had lately been much disappointed by the new obstacle arising to their favourite measure of catholic emancipation; and he hoped the house would in some degree soothe their wounded feelings, by taking into their serious consideration the many cruel hardships they suffered in consequence of the present state of tythes, and the mode in which they were collected. He further flattered himself with the hope, that if an inquiry were agreed to be instituted on this subject, the result would be some specific and effective measure towards a commutation for tythes. The honourable gentleman stated the hardships the catholics endured by being compelled to pay this heavy impost to the protestant clergy, in addition to having to maintain those of their own persuasion. He believed the proportion of catholics and dissenters to those of the protestant established church, was

as nine to one, so that the protestant clergy received 9-10ths for duty done to 1-10th. He knew it was impossible to provide an adequate remedy for this evil; but he would wish to do so as far as may be, and he understood and believed the protestant clergy were desirous something of this kind should be effected. When it was considered how very much tythes operated as a restriction on the agriculture of Ireland, it must create great interest in the house. In the year 1808, when the ports of the Baltic were shut against this country by the enemy's decrees, the deficiency in the foreign supplies was made up from Ireland; and last year 800,000 quarters of grain were imported from thence. He thought he had shewn strong grounds why some relief should be granted, without making any alterations as to tythes in England. He might perhaps be taxed with proceeding with temerity; but it was not his intention to propose any particular plan now, but only that the house would inquire into the case, and give such relief as might be in their power. Great numbers of those who paid tythes in Ireland were so miserably poor, that they actually were paupers, and if in this country, would be sent to the parish. He knew he might be charged with an attempt to invade the rights of the protestant clergy, but he had no such design; he meant to give them a compensation equal to their tythes. His plan was to have a return made of the actual net produce of all the livings in Ireland, and according to the sum annually received by each protestant clergyman, the same sum should be paid to him by a tax on the catholics and dissenters as a compensation; and this, when collected, would not appear to them to be paying tythes, and would be free from all those vexatious modes which now attend their collection, and which are continually resisted. It would be the means of restoring peace among the people, and would be a real benefit to the clergy, many of whom did not now receive a tenth, nor any thing like it. Tythes, he said, had been the foundation, and had given a spring to all the insurrections that had happened in Ireland. First there was that of the white boys, which lasted thirty years; then the united Irishmen. The insurrection in 1799 was occasioned by the threshers, and was wholly owing to the collection of tythes. If, therefore, tythes had cause of repeated insurrections of nearly 60 years ance, he thought there must be very good groun house to inquire into the subject. He begged

the recollection and attention of the house, that one of the measures promised at the union was an alteration of this system. The celebrated speech of the right honourable gentleman (Mr. Pitt), who was the author of the measure, delivered on that occasion in this house, in which there was a passage which held up the tythes as a practical evil of great magnitude, that would be done away by the measure of the union, was printed at the expense of government, and industriously circulated by them, by hundreds and thousands throughout every part of Ireland, in order to make it more palatable to the great mass of the people, by a promise that it should be got rid of. His true purpose, he said, was to appoint a committee to inquire into the mode in which tythes were collected in Ireland; for the purpose, he hoped, of relieving a great practical evil. He hoped the right honourable gentleman opposite to him would not shut his ears against the just complaints of the people of Ireland, so lately disappointed in the object of the emancipation of the catholics, and thus further irritate their minds and feelings at the very moment when Buonaparte was on the point of possessing himself of the whole peninsula of Spain, the ports of which were so peculiarly well situated for making a descent on Ireland, the weakest and most vulnerable part of the united empire; on which there could be no doubt but he kept a watchful and a longing eye, and which he would unquestionably use every exertion to accomplish. The honourable gentleman concluded a long and able speech, of which it is only in our power to give a sketch, by moving—"That a select committee be appointed to inquire into the manner in which tythes are collected in Ireland, and to report the same to the house;"

Which having been read from the chair,

Mr. W. Pole said, no man was more desirous than he was that something truly efficient should be done in the case of the collection of tythes in Ireland. He differed however entirely with the honourable gentleman as to the appointment of a committee being a measure calculated for that purpose. It would only be raising hopes in the people, which from the house not being able to see its way, it would not be in its power to realize. If the honourable gentleman had come forward with a specific proposition, he would have directly met him on it; but he conceived the statements of the honourable gentleman were not cor-

rect. The fact was, that the mischief lay with the landlords of estates, farms, &c. who put them to cant, and disposed of them for the most money that could be got—a great deal more than they were worth, without any mention of their being liable to the payment of tythes; and when tythes came to be demanded, the tenants grumbled, and landlords encouraged them to resist. This subject had been under the consideration of ministers for some time, and several bills had been framed for the purpose, but it had been found that none of them would answer the end proposed. He was going over to Ireland, would inquire most minutely into every thing relating to the subject, and hoped he should be able next session to bring forward a specific proposition on the subject. At present the first obstacle that struck him appeared to be insurmountable. The clergy now, from resistance and other causes, did not receive above 1-20th—in many instances not 1-30th; how then was he to make an arrangement to benefit the people, by making them pay 1-10th? This the honourable gentleman agreed they should pay by a tax imposed for the purpose; but not one-tenth of the tythes, out of the net produce of the benefice. This was an injustice he could never consent to. If the honourable gentleman meant to abolish tythes, let him say so; but the means he would advise in the present instance were impracticable. He could not agree to go to a committee without some specific proposition being laid before the house on which it might form some judgment as to the nature of the measure intended, and therefore he must resist the motion. He concluded by saying, that the appointment of a committee would produce "a flame of expectation" all over Ireland, which, perhaps, could not easily be allayed.

Sir J. Newport would not comment upon the right honourable gentleman's phrase, "a flame of expectation;" but he would say, that he thought some expectation ought to be held out to Ireland, and that those which had been held out expressly at the time of the union, ought now to be fulfilled. He would pledge himself to prove, if there were an inquiry, that expectations had been then raised by express promises, such as, among individuals, would be held by any man of honour as binding as a bond. It was time that those expectations should be realized. All the promises to individuals at the time of the union had been kept, but those only were

broken which were made to the people. As to ministers talking of bringing it forward next session, it was the same promise by which the feelings of that country had been trifled with for many years. As to the manner of letting lands in Ireland, he thought that it was a subject which parliament could not interfere with; but if there were some evils which parliament could not remedy, that was no reason that they should not remedy what they could. The experiment had been tried in the parish in Ireland where he resided, of renting the tythes for the use of the parish. The rent was paid by an acreable tax, which did most materially alleviate the burthens of the poor, by requiring the rich to pay their reasonable proportion. He saw no reason to suppose that a similar system extended to the whole country would not be highly advantageous. He condemned severely the system of appointing proctors to collect the tythes, which was in his opinion, the greatest cause of the discontents in the south of Ireland.

Mr. L. Foster thought it would be useless and dangerous to go into the inquiry, unless there was a probability of the result of the inquiry being to produce something practicable to satisfy the expectation which would be excited by it. One-third of the tythes of Ireland were in the hands of lay appropriators, and was a species of property as much the subject of marriage settlement as any other. He conceived that the best way of relieving the poor from the pressure they now felt, would be to restore, under some modifications, the tythes of agistment; and he thought the greatest enemies of Ireland were the members of that Irish house of commons, who voted those to be enemies of their country that required the tythes of agistment. The consequence of exempting the pasture land of Ireland from tythes was, that the clergy were obliged to look exclusively to what was cultivated for their subsistence; and while the nobleman's park paid no tythes, the cottager's potatoe garden was necessarily taxed much higher than it would otherwise be.

Mr. Herbert conceived that the mode in which tythes were levied in Ireland was a premium to idleness, and a tax upon industry. He thought the idea of the right honourable gentleman (Mr. W. Pole) about the principle of commutation, was unjust in the extreme. To say that

an actual tenth of the produce, or one-fifth of the value of all the lands should be secured to about 1500 persons, for discharging duties that were not very burdensome, was a principle which could neither in justice or in reason be maintained.

Mr. M. Fitzgerald said, that he had been particularly directed by the county he represented (Kerry) to support this inquiry. In that county, tythes, and the abuses in levying them, were almost the only causes of dissatisfaction or tumult. For the last thirty-five years an expectation had been held out every year, of a reform in the system of levying tythes, and yet nothing had hitherto been done. The inequality of the system of tythes in Ireland was most oppressive. The rich grazier paid nothing, but the poor cottager was obliged to pay heavily. He had heard from a gentleman in Norfolk, that five shillings an acre on wheat was considered a high compensation for tythes in that county. He could assure the house, that in Ireland it was sometimes carried as far as two guineas an acre on wheat, and thirty-six shillings an acre on potatoes. He thought that it was impossible that an inquiry should not suggest some method of improving the present system. It was evidently most unjust that the rich man's park should pay nothing, and that the poor man's potatoe garden should pay thirty-six shillings an acre. It would be trifling with the feelings of the people of Ireland to tell them now the same story that they had been told for thirty-five years past. It would be recollected that the tythes of Ireland went only to the support of the clergy of the church of England, which was only one-tenth part of the population of Ireland; and that in many parishes, where the oppression of the tythe procfors was the greatest, the clergymen never resided, and no manner of duty was done. It would be quite unreasonable for the clergy of any country, and much more for the clergy of a persuasion that was but a tenth of the population of the country, to claim for their own use an absolute tenth of the produce of the country. It was known, that when tythes were first instituted, one-fourth of them went to the bishop, another to the repairs of the church, another to the poor, and it was only the remainder that went to the parochial clergy. At present the bishop was paid out of other funds, and nothing was given from the tythes, either to the repair of the parish church

or to the poor. It would, therefore, be monstrous for the clergy to insist upon an absolute tenth of the value of the land for their own benefit; and it would be infinitely overpaying them for any services that they can be supposed to render. Though satisfied as to the oppression of tythes in Ireland, he was yet ready to agree, that the church was entitled to a full equivalent for the tythes, in case of a commutation. He wished the clergy to derive their income from some other source than the miseries of the people; that the mode of providing for them should not make them and their religion objects of execration in the country. Under that impression, he should vote for the motion of his honourable friend. But he had another motive. He believed his majesty's ministers would be glad that they had the army in Portugal embarked. In the event of that country falling into the hands of the French, the situation of Ireland would be rendered more exposed to attack. He should call, therefore, upon his majesty's ministers not to oppose an inquiry which might lead to the removal of an existing grievance.

Mr. W. Fitzgerald was disposed to vote for the motion, but not on the arguments of his honourable friend who had just sat down. He was as anxious as any honourable member for a fair, candid, and legitimate inquiry. He could never admit that the clergy, in the event of commutation, should not be entitled to more than the amount of the net proceeds of their present income,

Mr. Grattan had heard nothing either on the present or the former occasion to alter his opinion on this subject—to make him believe the tythes were not oppressive, or that a remedy for the evil was not practicable. As to the question of commutation, he should lay down some preliminary propositions. First, that there should not be any diminution of the income of the clergy, because the church, though rich, was not too rich: secondly, that the present income of the clergy should be the basis of the intended arrangement; and, thirdly, that the clergy should be secured against the effect of the depreciation of money, by having their incomes regulated every ten years, according to the price of grain, so that in fact their incomes should keep pace with the alterations of the times. The provision to be made might be derived either from taxation, or county assessment, like the county rates; and the removal of the burthen of tythes would

render he public better able to pay. The clergy, he was persuaded, would be glad of such a commutation. By it they would be relieved from their present insecurity—from all the expense of agency—from that infamous connexion with that most infamous class of men, the proctors, public harpies, who lived by public rapine. The clergy could not but prefer such a state of security to the miserable ambition of having a right to the full tenth, if only they could get an act of parliament to give them an army to collect it. The clergy, as a body, were respectable and moderate—not so the proctors, who were only following their nature when grinding the poor. His objections to tythes were, that they were an arbitrary tax, a partial impost on agriculture—a tax, in Ireland, upon industry, and oppressive particularly to the poor, who are called agriculturists; and as falling chiefly upon the catholics, who derive no benefit from the clergy to whom they are paid. The house ought, therefore, to vote for the committee. By so doing, they would shew their parental attention to the people of Ireland, and reconcile them to the grievance, if it should be found that no remedy could be applied.

Dr. Duigenan vindicated the right of the clergy to tythes, and contended that the high rents of lands, not the pressure of tythes, were the grievances of Ireland. All that had been said respecting commutation was irrelevant, because the motion of the honourable gentleman regarded only the collection of tythes. The diminution of the means of the church would render it impossible to dissolve large unions; and the real cause why the protestant religion had not made more progress in Ireland, was to be found in the scantiness of the provision for the church. The calculations and arguments of the honourable gentleman opposite, were precisely the same as those which had been published in a pamphlet by the traitors Emmet and M'Neven, in the year 1797. He denied that the weight of tythes was borne by the poor, as he contended that the whole fell upon the land-proprietor. On all these grounds he should vote against the motion.

General M. Mathew was sorry to find that the statement made by the chief secretary for Ireland, when the honourable and learned gentleman was made a privy councillor, was not adhered to. It had then been asserted, that the learned gentleman should not be consulted on

any subject but ecclesiastical questions. The statement had been made by that distinguished officer, Lord Wellington; and it was generally understood that the learned gentleman had been muzzled. To his surprise, however, he found this muzzled Doctor (*Order, order!*) proposing on a former occasion to extend the ballot for the militia to the south of Ireland. As to the question, he agreed to every thing said by his honourable friend (Mr. Parnell). He had in a former session had a petition to present against tythes; but on hearing from the Chancellor of the Exchequer, that he had it in contemplation to make some arrangement, he deferred presenting it. He kept it, however, for the next session, knowing that the Chancellor of the Exchequer, under any circumstances, was a slippery person, upon whom no dependance was to be placed. He should vote for the motion.

The Chancellor of the Exchequer had never held out any confident hope that any arrangement could be made for the final adjustment of this question; neither did he understand his honourable friend to hold out any sanguine expectation of being able to form such an arrangement before the next year. In place of demanding confidence from the honourable gentleman opposite, he besought them to have confidence in themselves, and to bring forward some plan on the subject. This would be much more desirable than to resort to the farce, the mischievous farce, of proposing to go into a committee. Several gentlemen on both sides had turned their best attention to the subject without having been able to advise any mode of removing the existing difficulties. The right honourable gentleman then proceeded to shew that the right of the clergy to the tythes could not be questioned; and that they were entitled to a full and adequate compensation. When it was admitted on the other side that the clergy, as a body, were respectable, it was unfair to add that the system was oppressive. Nothing could be more mischievous, whether on the subject of parliamentary reform, of Catholic emancipation, or of commutation of tythes, than to move for a committee without having any specific plan to propose. As they had all the information which they could hope to obtain in the committee, he should vote against the motion.

Mr. Hutchinson congratulated the right honourable gentleman on the estimation in which he should be held

in Ireland and in this country, when he avowed himself the enemy of these three great measures; parliamentary reform, Catholic emancipation, and commutation of tythes. The honourable member then briefly stated the grounds upon which he should vote for the motion.

Mr. Wilberforce argued in favour of the motion. The interests of Ireland he could not but consider as the interests of England, and as such he would give them all the support in his power.

Sir George Hill opposed the motion. It held out in his opinion, a hope to Ireland, which under the present system of church government could not be realized.

The house divided on the original question.

Ayes - - -	48
Noes - - -	69
Majority - - -	21

HOUSE OF LORDS,

MONDAY, APRIL 16.

CLERGY.

The Earl of Harrowby presented some additional returns respecting the smaller livings of the clergy.

Lord Holland observed, that the returns hitherto laid before the house did not satisfy his mind, and thought that some more general view ought to be taken of the situation of the clergy, in order that parliament might have a certain principle to act upon. With the utmost respect for the church establishment, he should, nevertheless, consider it his duty, if a large grant of money was proposed, to oppose it.

The Earl of Harrowby had thought it his duty to move for the returns, in order that parliament might be enabled to form a competent opinion of the situation of the church establishment, with reference to the smaller livings. With respect to the general state of the clergy his opinion was probably at variance with that of the noble lord. If a grant of money was proposed, it would of course originate in the other house, and if it passed that house he thought their lordships would not be disposed to object to it.

Lord Holland was aware that such a grant must originate in the other house. He still thought, however, that it was the duty of parliament to call for all the information that could be obtained, and that house from the

circumstance of their having the advantage of the assistance of the right reverend prelates, was peculiarly fit for the discussion of such a subject.—Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 16.

PRIVILEGE.

Mr. Wallace called the attention of the house to a direct breach of its privileges, in the way in which the speeches of some members were reported. He did not wish to object to the practice of reporting, nor was it his intention to follow up what he should now say with any motion. He only wished to awaken the house to the situation in which this indulgence of admitting strangers to hear the debates of that house, and to communicate what they heard to the public, now stood. Any interruption to the practice of reporting, in his opinion, would be ill-advised. Nothing could be more distant from his intention than to restrain this practice. Some gentlemen might think it more advantageous, others less so; for his own part, he thought the advantages arising from the practice were greater than its disadvantages. Two things, however, were absolutely necessary to be observed in carrying it on. First, a respectful decency towards the house; secondly, all that fairness in detailing the speeches of individual members, which, in the circumstances of things, could be attained. Without the first, the sufferance would be dangerous—without the second, the practice be useless. He particularly meant to allude to a speech of a right honourable baronet, a short time ago, which had appeared in a morning paper in such a manner as to throw ridicule on the Speaker, being accompanied with annotations, and some parts of it printed in a different character from the rest, so as evidently to betray the intention of the publisher. He reprobated the idea of encouraging such a practice. He had also remarked that the speeches of some of the most considerable members of that house were suppressed, and even where any allusion was afterwards made to the arguments or observations of those members such allusions were also omitted. In this manner did the proceedings of that house go before the public in a mutilated and partial form. If they were to be reported

at all they ought to be reported fairly. By suppressions of this kind the most destructive system might be introduced, and the liberty given by the house of reporting its proceedings fairly, was set completely at nought. He should make no motion on the subject at present, but should feel it his imperious duty to call on the house to resort to the measures which might seem necessary on the occasion, if what he had now said was not taken as a sufficient warning. He should expect in this endeavour the support of every gentleman in that house, particularly of those who were most friendly to reporting; and he was also satisfied that he would confer an obligation on the public, who would naturally wish to see a fair account of the proceedings of the house.

Mr. Tierney disclaimed all knowledge of any intention on the part of the honourable gentleman (Mr. Wallace) to submit any observations on the subject to which he had now alluded. He had never thought of doing any thing in relation to the subject, so far as he himself was concerned.

Mr. Wortley hoped that all combinations of the kind alluded to would be broken through, and that some paper would set the example of taking up the matter in a fair point of view, by giving the speech of every member fairly and impartially.

The Speaker said, the honourable gentleman must be aware that this was an irregular conversation.

PARLIAMENTARY REFORM.

Mr. Brand gave notice of his intention to bring forward a motion for a reform in parliament after the recess.

CONFINEMENT OF MR. GALE JONES.

Sir Samuel Romilly rose, in consequence of his notice of a motion for the discharge of Mr. Jones from his confinement for a contempt of that house. Though the opinions which he (Sir Samuel) had expressed on the legality of the warrant under which Mr. Jones now suffered were still perfectly unaltered by any thing which he had heard, his present motion was to rest on the plain and single ground that the punishment had been sufficient for the offence, such as that might have been. He understood that when a similar motion was made on the 12th of last month, some persons objected to it, as founded on reasons

which they could not acknowledge. It was a principle of that motion that the power exerted in the commitment was illegal; but he (Sir Samuel) though far from giving his assent to any thing that could countenance the doctrine then held, would not now lose a single vote by an unnecessary resort to arguments which had excited the opposition of any member of the house. Yet in this he did some slight violence to his own wishes. He had wished to have had an opportunity, and the present might give a fair one, of restating some of those opinions which he had formed only after serious thought, had delivered with much and anxious sincerity, and which he still retained as fixedly and firmly as ever. Those opinions, falling into the usual handling of all sentiments delivered by men in public capacities, had been much misrepresented; and it was a wish which he could with difficulty deny himself, to have justice done to them. But his object was now of a higher rank: a higher and more serious feeling than any thing connected with the vindication of one like himself ought to influence him. He was to speak for the liberty of a British subject; and to that duty and that object he felt that all others must give way. He could discover but one objection to the measure which he was about to propose, and that was, from the practice of the house in requiring a petition to be presented at their bar, acknowledging the justness of the punishment, and expressing contrition for the offence. It might be a fair object of question whether there was any thing in the principle of that house, which utterly prohibited a spontaneous act of justice; or whether it was beyond the privilege of any member to suggest that act of justice. It might be asked, whether such a requisition as an acknowledgment of the offence, was strictly in the power of any court dealing in justice. But the house would feel that their power was to be exercised with less violence to human feelings than that of any other jurisdiction; and that if they were powerful—if jurisdiction had been intrusted to them by a people loving their liberties—if they had obtained a right to inflict punishment, that infliction was to be the rarest exercise of their strength: they were to feel the solemn pledge under which they stood, the great responsibility under which they were charged to administer justice tempered with mercy. If this principle

was true, it was not to be permitted, it was not to be justified, that the house of commons, or any human tribunal, should extend its punishment or its power to the mind. It was not given to the strength of man to reach the mind of man, and it should not be aimed at by his ambition of rule. The thoughts could not be forced: there was a vigour and spring there, which at once defied and eluded human dominion. The greatest tyranny the most impotent tyranny, was that which attempted to influence the workings and forms of the intellect; it was an attempt which justice never made, and which was never made by power but to its own defeat. There was one species of court, which might be an exception—those spiritual tribunals which were the fruits of a dark age, and equally adverse to the spirit of law and of religion. Their justice might now with safety be called persecution; subsisting before the day of reformation, they were guilty of the crime and the folly of attempting to coerce the mind, demanding confessions of guilt where the resistance of the accused was the firmness of virtue. This attempt ended as all undue exercise of authority must end; those tribunals, unable to make converts, were found to be content with making hypocrites. (*Hear, hear!*) Opinions must be free, or there could be no such thing as rational liberty. Supposing, for the sake of the argument, that the most groundless opinion were to be sent abroad: he would take the instance of a man asserting that the best form of government was a pure monarchy, and that the houses of lords and commons were an idle excrescence; would any member of the house think that nothing could atone for the opinion, but the self-degradation of the author—that bitterest and most intolerable extreme of punishment, in which a man is forced to be the instrument of his own shame? that he should be forced to do that stern and cruel violence to his settled sentiment, to break in upon the opinion which he had formed with strong sincerity, and that they should give him that last and lowest pain which man can feel, a degradation in his own esteem? If this power were in the house, it was the most enormous that was ever confided to man, and could not be admitted without the most undeniable proof of the trust. But if this practice of petitioning had been frequent in former times, it should be remembered how little such times could be formed into

precedents for this latter age. Better times had succeeded; a more generous spirit had been brought into action; the feeling of the world was ameliorated and softened. It was surprizing, on looking over the records of years not very distant, to see in what extraordinary degradations that house seemed to think its authority most honoured. Not fifty years since, in the case of Alexander Murray, that person was brought on his knees to receive the Speaker's reprimand at the bar. In the case of the Cornwall election, two men of respectable rank, one of them a baronet, were forced not merely to receive the reprimand on their knees, but to acknowledge their offence at the assizes, before the judges and the county. Mr. Jones had been now two months in jail. On the 12th of March, when he had been 21 days in prison, and his situation was mentioned in the house, it had been thought by many members, that if a petition were then presented, he should be discharged. He had since that time suffered five week's imprisonment for the neglect of petitioning; and if this etiquette was not thought already purchased off by his additional suffering, was he to linger on still in jail, unless, by the pressure of misfortune on his mind, he was broken down into the untruth of acknowledging that he had given up his principles, and was guilty when he still believed himself to be innocent? Was it the only alternative of his confession that he must remain in confinement till July? And for what was this severe privation of liberty? For an adherence to what he deemed the truth! Allowing that Mr. Jones had entertained erroneous opinions of the extent of their privileges (and for the moment he, Sir Samuel, would allow them to be erroneous)—supposing the person to have been influenced by any of those motives, which, after all, made up a large part of the decision of the wisest among men; respect for other authority, a long habit of cherishing certain feelings, and fixing his eye upon certain views of truth—a kind of vague conviction that the liberty of man is implicated in the matter of dispute; or even if his error arose from the misuse of the lights which he had, if he had misunderstood precedents or mistaken principles; was there no provision against his error, was there no remedy in the state-herbal for his malady, but imprisonment? Was this punishment, which might be made the most severe of all visitations, to be inflicted for difference of opinion?

And, in the end, was the sufferer to be released, not by the justice of the house, but by its want of power? Supposing Mr. Jones indissolubly wedded to his opinion, an obstinate heretic, was it to be justified that the worst of all the kinds of punishment, indefinite punishment, "the hope deferred," that oppresses and binds down the whole man more heavily than any infliction which he can measure with his eye and prepare to encounter, should be let loose upon him for such an offence as that which he had committed; or that the homage of Mr. Jones, a man in humble life, should be thought the only thing that could appease the angry pride of the house? This was not to be persisted in; but, let the feeling of offended dignity be what it might, there were superior feelings which the house would acknowledge. Those were the feelings of justice, the feelings of reason, the feelings of that great compound of justice and virtue, humanity. The honourable member concluded a most eloquent speech, by moving that Mr. Gale Jones should be summoned to the bar of the house, on Tuesday, and then discharged.

The question being put,

Mr. Secretary Ryder said, that for one, he could not concur in the motion. If the honourable and learned gentleman had been correct in stating that it was necessary for an individual to retract his sentiments before he was discharged, that he said might in some respect have altered the question. That, however, was not the fact; all that was required was, that the person should express his sorrow that he had incurred the displeasure of the house. If this had been a case where the individual had used speculative opinions, and the usage of the house was to require that those opinions should be disclaimed, then the arguments of his honourable and learned friend would have applied, which, he submitted, they did not, as things now stood. The question was, if the house was now, for the first time, to depart from their established rule, and discharge Mr. Jones without any petition from him expressive of his sorrow for having incurred the displeasure of the house. What was this requiring of him more than what he himself stated at the bar? He was sorry not to see a gentleman present (Mr. Sheridan), who had on a former night intimated his intention to present a petition from Mr. Jones. There was no gentleman, indeed, in that house would refuse to present a petition for

him. He continued a prisoner, however, not because his offence was such as that he ought on account of it to continue a prisoner, but in consequence of his desire to put the house of commons at defiance, and that he might have it in his power to say, that he had been the person to shew them that they had been wrong in all their former practice of commitments. He (Mr. Ryder) was one who wished no rigour to be observed in this instance, but he had not heard any reason to induce the house to depart from their uniform practice.

Lord A. Hamilton felt particularly anxious that no doubt of his sentiments should be felt on this occasion. The doctrines of the right honourable secretary were not of an order to heal the breach that was between the house and the country. The person whose case was now under consideration had done nothing derogatory to the privileges of the house. Breach of privilege was a general cry, and undefined cant, which never struck his ears without raising a suspicion of those from whom it came. Reporting the debates of the house had been idly construed into a breach of privilege, and at length it was peaceably acquiesced in as an advantage. But he was glad to find that no appendage had been hung to the question of the release. He (Lord A. Hamilton) had stated his opinion when the question first came before the house; he then thought that the house wandered strangely from its due course when it condescended to take up a private quarrel; the offence was given by Mr. Jones to Mr. Yorke; an individual against an individual. As the quarrel was private, it ought to have been determined between private persons. The house, occupied as it should be, in the great concerns of the empire, should not have stooped from its dignity, to pour the weight of its vengeance on a man of whom they knew nothing more than that he turned Mr. Yorke, the teller of the exchequer, to ridicule. By the unfortunate notice which the house was led to take of that quarrel, a train of circumstances, some disgraceful, some most disastrous, were drawn on, till the privileges of the house began to be looked on by the people as instruments of danger, and questioned by even themselves as rights of usurpation. Perhaps the circumstances under which Mr. Jones's irritation arose, were such as might justify no slight popular discontent. A great expedition, the greatest that ever left a British port, had

failed; the officers threw the blame on each other; the ministry came to open violence upon it; the people demanded an inquiry into the causes of that most dreadful calamity; the house promised it; public expectation was awakened, and waiting to see justice done. The trial began, and instantly the gates of that great temple of national justice were shut. Was it not natural that the excluded people should at least express their surprize? that wandering round the courts of that temple, they should be dissatisfied with hearing only the broken and scattered responses that might be periodically issued out from the shrine, to feed and to elude popular anxiety? Admitting that such a feeling was wrong, it was natural; and Mr. Jones was only one, among many, who felt displeased at the act and its author; but his offence was not levelled at the house. In what predicament would the house be placed by the doctrines of the right honourable secretary? He admitted that the petition was proposed, (*hear, hear!*) and did he actually think it becoming the dignity of that house, to measure its punishments, not by the quantity of the offence, not by the natural principles of justice, but by the power of the offender to hold out in his opinion; thus making the wisdom of the house to be the idle combatant of the folly of any individual, and forcing their good sense to depend upon Mr. Jones's obstinacy. An adjournment might be so managed as to confine the prisoner for any indefinite time; and was this to be called only a fit punishment, for want of facility in the accused person? With respect to parliamentary privileges, he (Lord A. Hamilton) revered them, as they ought to be revered, in the mild exercise of their power; but if that power was strong, its use ought to be delicate; and to make their privileges what they ought to be in point of vigour, they must be used in that form, from which they should never have been diverted in point of principle. They should be used for the protection of the rights of the people.

Mr. Fuller thought the question lay within a narrow compass. To his mind it appeared to be only whether the prisoner had been sufficiently punished or not. If he had been sufficiently punished, why were they to have him called to their bar to acknowledge his offence? That house had nobly cut up the prerogatives of the crown, which had been previously undefined: it now became their duty to reduce, to some definite state, its

own privileges, which even the right honourable member in the chair would find difficult to understand. They were bound to define their privileges, and not continue to commit during the session. It was no matter whether a party were committed for three days or three months, as nothing could be more absurd than to commit without any certain rule to go by. The subject had a right to have some measure of offences and punishment established. They ought to enact a Magna Charta of parliament, as they had the great charter of their civil liberties and rights.

"Æquam memento,
"Rebus in arduis,
"Servare mentem."

As it was admitted on all hands, that Gale Jones had been sufficiently punished, he ought to be discharged. If they should enact some statute on the subject, he was determined, whenever a question arose for a commitment, to vote for it for a certain period. If their privileges should be left in their present vague and undefined state, no man's house could be safe. But as he had been already very severely reprimanded for a breach of these privileges, in order to avoid being led too far by irritation, he should read from a paper what undefined privilege could do. The honourable member then read, that such privilege could be put in the power of a nervous chairman of a committee to call upon the Speaker for protection: it could give the Speaker the power to order a person to withdraw, and to the house that of ordering him into custody, without allowing him the opportunity of hearing the charge against him: it could give the power of keeping him in confinement, to the great affliction of his family, and so as nearly to cause the death of some of his connexions; and then it could give the power of reprimanding the person for an offence, which at common law would not be punished by a fine of five shillings. If that reprimand should go down to posterity upon the journals, it would be more injurious to the house than to the individual, in the minds of the people.

Lord Folkestone wished to set the right honourable gentleman opposite (Mr. Secretary Ryder) right, as to what he had stated to be the practice of the house respecting petitions. That right honourable gentleman had said, that it was not necessary for Mr. Gale Jones to acknowledge his offence, or retract any opinion upon his petition,

in order to his being discharged, but merely to state his regret for having incurred the displeasure of the house. To shew that the right honourable gentleman was not correct in this statement, he had only to refer to a petition which he remembered to have been presented a few years since, from a Mr. Drake, who had been ordered into custody for prevarication in his evidence at the bar, for having told lies and incredible stories, respecting himself, during his examination as a witness before that house. That petition he had brought up, and when it had been read, he moved that it be laid on the table; but was then informed by the Speaker, that it was contrary to the established practice of the house to place any such petition on its table, unless the petitioner submitted to the authority, and craved the mercy of the house, at the same time acknowledging the justice of the sentence. Some days after he had presented the petition, however, it was found that all that Mr. Drake had said was perfectly correct. The consequence was, that Mr. Drake having been committed for supposed lies and prevarication, was suffered to remain in confinement because he would not acknowledge that to be false which was afterwards found to be true. Though he had not remained long in such confinement, the parliament having been dissolved in three or four days after, yet that did not alter the nature of the case. Having stated this case, and the decision of the chair upon it, he was authorized to assume it to be the invariable practice of the house to require a petitioner to submit to the mercy of the house, and acknowledge the justice of his sentence. As the right honourable gentleman (Mr. Ryder) therefore had stated that, if that were the practice of the house, he should vote that Mr. Jones be discharged, he had a right to expect that the right honourable gentleman would be as good as his word, and vote for the motion of his honourable and learned friend, whose common places, as represented by the right honourable gentleman, appeared to him to consist of most able, and eloquent, and conclusive arguments. Upon the whole, he was convinced that Mr. Jones ought to be discharged, and should therefore vote for the motion.

Mr. Curwen observed, that the able speech of the honourable and learned gentleman who brought forward this motion, was in itself sufficient to recommend this important question to the most serious consideration of the house. The case of Gale Jones at present seemed to him to be,

not that he should be continued in confinement for a contempt, but for the obstinacy and pertinacity with which he persisted in declining to submit himself, by petition, to the mercy of the house. Though he had not been present on the occasion, he was well informed that Mr. Jones had respectfully submitted to the authority of the house, when first brought to the bar. That having been the case, then, he would ask, whether the house would punish him for that obstinacy to which he might have been worked up by others, in abstaining from applying for his release by petition. The house on this occasion should leave out of its consideration every thing concerning Mr. Jones, or the circumstances which might have prevented him from petitioning. In that it would do what became its own dignity; and he was persuaded it would be more honourable to them, as well as gain them more respect from the public, to discharge this man than to continue his imprisonment. Where might, and he had no doubt, there were persons who would attribute such an act to motives dishonourable and base. But were they to regard such feelings? Were they to neglect to do a duty, because wicked men might attribute bad motives to them? He concurred in all the sentiments of the honourable and learned member who brought forward this question; he was persuaded that it would be cruel to call upon a man to retract or renounce opinions, the truth of which he might conscientiously believe. Such a principle was unknown to the laws of this free country; at least, he knew of no law that called for such a renunciation. If the dignity of that house required that such a principle should be acted upon, he should be the last man that would vote for the discharge of Gale Jones without complying with the established forms. Whatever might have been his opinion as to the nature of the offence, as the house had decided it to be a breach of its privileges, it was not for him to dispute the propriety of such a decision. But the right honourable gentleman (Mr. Secretary Ryder) argued the propriety of requiring a petition, on the ground of precedent. Could not that right honourable gentleman perceive, that if there were any value in that argument, he might on the same ground refuse his assent to the discharge of Gale Jones, if he did not appear at the bar on his knees, as in the case of Murray, alluded to by the honourable and learned gentleman on the floor? Whatever might be the course of precedents here-

fore, this was a time when he was of opinion the house ought to make a different precedent. He was determined to stand by the house in every thing that was necessary to its dignity; but he did not think that would be best consulted by protracting the punishment of an individual, because he would not apply for his enlargement, by submitting to acknowledge the justice of his sentence, and craving the mercy of the house. At this critical and awful period, it was his opinion that the house should not shut its eyes to the real state of the country. He was one of those, who, so far from thinking, as had been sometime since stated within their walls, that that house, in point of reputation, had not a leg to stand on, he was fully and satisfactorily persuaded that such an aspersion was absolutely false. He was bound, nevertheless, to admit that they did not possess that high degree of public confidence which ought to belong to them. If by forbearance to discuss their real difficulties, they could remove them, that might be a reason why they should pass them over without notice. But, in his opinion, the only true way of averting danger was to look it in the face; and these were times which imperiously called upon them to meet every difficulty with fortitude and spirit. The great bulk of the nation, he was convinced, was firmly attached to the constitution and the government, and ready to make all the sacrifices which the circumstances of the times might require. He was bound, however, to admit, that the country had many grievances to complain of; and these that house was most particularly called upon to attend to and redress. Under this impression, it was with considerable satisfaction he learned that an honourable member (Mr. Brand) had that evening given notice of a motion for a parliamentary reform. It was impossible for any honourable member to listen to the sentiments expressed out of doors, and not be convinced of the necessity of some reform of the representation in parliament. In order to shew how the feelings of the house and of the country pointed out the expediency of adopting some measure for that purpose, he had only to advert to the attention which was uniformly paid to every thing that fell from the honourable member for Yorkshire (Mr. Wilberforce). This mark of respect that honourable member received in a much higher degree than many other honourable members, who, without meaning any thing offensive to that

honourable member, might justly compare with him in every other respect. To what was this owing but to the great weight which must naturally belong to any thing coming from the representative of 50,000 constituents? This shewed how necessary a reform was, which would give to the members of that house the representative respectability of the collective number of their constituents. When he talked of reform, he did not mean any of those wild and visionary theories, which had so frequently been recommended in latter times. His wish was to infuse into that house a greater portion than it contained in its present constitution of the landed interest. Feeling as he did upon this head, he could not but condemn that prodigality of the honours of nobility, which had robbed that house of so much respectability, without adding any thing to the consideration of the other house of parliament. There was another point also, upon which he must express his most decided regret and disapprobation; namely, of that list which, upon the motion of the noble lord, the member for Westminster, had been laid upon their table. In that list of persons he was sorry to find the names of persons without merits; to perceive that pensions were granted to the relatives of persons who would and ought to be ashamed to take such paltry sums from the public purse. It was by no means his opinion, that if the whole of such pensions were done away, they would in any material degree contribute to relieve the public burthens: but when it was found that such grants were taken by persons connected with the higher classes, the circumstance would tend greatly to excite and continue that distrust of public men, which had unfortunately risen to a greater height of late than ever. There was another circumstance, more immediately connected with their proceedings, which was likewise an object of regret in the present situation of the country; he meant that practice of personal crimination and recrimination which had too often lately disgraced their proceedings. The chair, he was convinced, had never been more ably filled, or its duties performed with more dignity and satisfaction than by the present Speaker: yet he must observe, that a great laxity had crept in of late which brought public men into discredit. Though he was persuaded that there was much integrity and talents on both sides of the house, he must be allowed to say, that the personal altercations to which he had alluded had a direct tendency to lower

them in the public estimation. His only wish was, that the house should be rendered respectable, and though he certainly thought every item of saving of importance, yet it was not by subordinate retrenchments, but by the reduction of the great establishments, that the country was to be saved. Whenever peace may come it would be a serious question how far such reduction could be effected; but the difficulties attending that question were only to be removed by a strong, firm, and efficient administration, combining all the talents in the house. For the propriety of forming such an administration, he could appeal to the house whether they thought it could, under any circumstances of difficulty, be driven from its bias to the public interest by any minor considerations. Such an administration could not be formed from either side of the house. It was the duty of the members of that house to attend to this great subject; and of all those who have high characters in that house, and great weight as well as stake in the country, to unite for that important purpose. If such a body should declare themselves, the country would soon rally round them: and then their privileges would be cheerfully acquiesced in as privileges given solely for the interest of the people. The bill he had the honour to bring forward last year, though abused by some, and ridiculed by others, had yet, he trusted, produced some good, and would lead to that gradual and temperate reform which was the most difficult to be accomplished. Of the right honourable gentleman opposite (the Chancellor of the Exchequer) he was always disposed to speak handsomely; but he could not look upon him as possessed of force and vigour enough for times like these. The hopes of the country, he should repeat, depended altogether upon a combination of all the talents and respectability in that house. Having stated thus much upon the general situation of the country, he should revert to the question before the house; and on this he should only say that he would vote for the liberation of Gale Jones, conceiving that such a measure would not compromise the honour, the dignity, or the character of that house.

Sir T. Turton was of opinion that the individual to whom the motion referred, had suffered punishment enough. If he had, he would ask whether it was consistent with their dignity not to put an end to the punishment? The offence for which he had been imprisoned had existed for several

years, and might have been borne either by the house or any individual member. These debating societies had been held for several years without having been taken notice of; and gentlemen might recollect to have seen the names of Mr. Pitt and Mr. Fox, men great in mind, and great in character, placarded in the same manner as in the instance which had been complained of. He had no doubt that the placard was a libel; but he thought that it was unworthy of the honourable member to notice it. But when it had been brought under the observation of the house, it must have been punished, though not severely. When Jones had expressed contrition for his offence at the bar, it was his opinion that it would have been most consistent with the dignity of the house to have discharged him. As a difference of opinion prevailed upon the subject, both in and out of the house, it would have well become that house not to appear to punish the offence vindictively. It was scarcely to be expected that a man, convinced that he was right, could be brought to acknowledge himself wrong. When he had last year moved for the release of General Clavering, he was told that his application would be fruitless, unless General Clavering should, by petition, acknowledge his error, and submit himself to the mercy of the house. But General Clavering would have submitted to rot in prison rather than admit what he was convinced he was incapable of, that he had been guilty of prevarication. Then it was said that it was enough that the person should say he was sorry for having incurred the displeasure of the house. But could any one suppose that he was not sorry for it? As to the obstinacy that was imputed to him, would not persecution or prosecution be likely to make any man obstinate? But by keeping Mr. Gale Jones in confinement, would he be likely to come out either a better subject or with fewer partizans? This was a case in which they ought to make a precedent, if they had none to go by. Why keep the man in prison? Was there any thing in the temper of the times to induce the house to that course? He could wish that the learned gentleman had not brought forward this question at this time. Though he thought that they should not act under the apprehension of being thought afraid; yet he would rather be suspected of fear than convicted of injustice. He should, therefore, perform an act of justice to the individual, by voting for the motion of

the honourable and learned member who had so ably and eloquently recommended it to the house.

The Master of the Rolls stated, that according to his view of the motion under consideration, it might be reduced to two questions: first, whether the individual had suffered sufficient punishment; and whether, such being the case, he ought to be discharged? He could wish that he had been better acquainted with the practice of the house, in such cases; whether it was founded on established law or on usage; and again, if upon usage, whether that usage had been unbroken from time immemorial. He should always be against breaking in upon long continued usage, because the presumption in such a case would be, that it had been founded on wise and convenient grounds; and he should, therefore, be inclined to abide by the usage, where it did not lead to palpable injustice. If this usage were, as he must presume it to be, such that the party offending was not to be discharged until he should petition and acknowledge his offence, it would, he owned, lead to consequences to the full extent of which he would be unwilling to follow it. He agreed that a man must be taken for guilty when the house has declared his guilt by a vote; but then the individual may not think his act an offence, and in that case it would be cruel to insist upon his admitting it. But the right honourable gentleman (Mr. Ryder) seemed to think that such acknowledgment of the offence was not necessary. Upon this point, he should wish to put a question to some competent authority; and to none more competent could he apply than to the right honourable member in the chair. The question was, whether the established practice was as had been described; but though the answer might influence his argument, if it were not regular, he should not press the question, but assume the affirmative, and reason upon that assumption. First, then, the reason why the practice of petitioning had grown into use was plain and obvious. The commitments by the house were for an indefinite time; and as the prisoner could have no knowledge of the time for which he was committed, he was usually led to petition early, in the hope that it might lead to his discharge. Into his petition, therefore, it would be natural for him to throw all the circumstances and sentiments which might be likely to induce the house to comply with his application. Thus it was, that the practice of pe-

titioning might have arisen, and thus too the parties might, by petitioning, have usually obtained their discharge sooner than they otherwise would. The house shewing itself indulgent to those who petitioned, generally released them in three or four days after their commitment, unless in cases of an aggravated nature, which may have led to the practice of requiring petitions to be presented. For himself, he was extremely loth to break in upon long established usages; but he was not prepared to follow this usage into all its consequences. The effect of such an usage as this would be, that different persons might be committed for the same or similar offences, at different periods of the session, and, in consequence of this usage, be subjected to very unequal degrees of punishment. Mr. Gale Jones might for his offence, be committed at the commencement of the session, and not being disposed to petition, might be confined for six or seven months, whilst another committed for the same offence may be confined only three or four days. Jones persists in not petitioning, and continues the whole of the session in confinement; the other submits, acknowledging his offence, and is discharged in three or four days. If a question were to be put to him after any given time of confinement, whether the prisoner had been sufficiently punished, he might answer in the affirmative, according to his idea of the proportion between the offence and punishment. But if asked why he should not be discharged, he should be at a loss to answer, according to any principles of jurisprudence known to him. The continuance of the confinement was a punishment for an offence of which the house had not declared him guilty, upon which they had passed no vote; it would be a punishment, not for what he had done, but for what he had abstained from doing. According to any principles of jurisprudence with which he was acquainted, this would be a strange system of punishment. What difference could it make to that house if he were to acknowledge the offence? Would it be any satisfaction to their privileges, or their dignity, if he were to make a false acknowledgment to that effect? Under the present circumstances, it must be obvious to the house, that in such an acknowledgment the party would not act voluntarily; and if he were to submit, it would only be that he might not suffer three or four months longer imprisonment. But, would the house thereby gain any security for its privileges—would they acquire any accession to their dignity? Could they be

assured that Gale Jones would not again offend in the same manner? If he were to offend again, could they not commit him in the same manner as if he had acknowledged his offence in this instance? He knew of no analogy by which this right to make a man confess his offence could be justified. His opinion of the effect of petitioning was, that the party imprisoned might obtain his discharge somewhat earlier. But he could not perceive why the abstaining from presenting a petition should have the effect of lengthening the duration of his confinement. Putting the case in that way, the motive for petitioning, as well as abstaining from petitioning, would be obvious. The person who presented a petition was generally liberated; but he who did not petition was suffered to remain in confinement. This was the reason why petitions became the practice, because there was scarcely any instances in which the party committed did not present a petition, except in those cases in which pride or conviction prevented the adoption of such a course. Upon these grounds it was, that he was of opinion that John Gale Jones ought to be discharged, if the house should be of opinion that he had suffered sufficient punishment. If he were to be asked what extent of imprisonment he should consider a sufficient punishment for the offence, he should say one month, or six weeks; but should not by any means extend it beyond two months. Considering, therefore, the length of this person's confinement, he should vote for his discharge. He agreed perfectly with the honourable baronet that they should not entertain any fear of being thought afraid of what might be thought of their motives. But he would not consent to do an act of injustice, in order that he might not be supposed to be afraid. Such a feeling he did not entertain. He should take the same course on any other occasion. He had not paid any attention to this subject before the present case had been brought forward. When he did turn his attention to it, he very quickly arrived at the conclusion which his honourable and learned friend had come to, and as he was convinced that the man had been sufficiently punished, he should vote for his discharge.

The Speaker rose and said, that he did not know whether it might not be the pleasure of the house that he should give an answer to the questions which had been put to him, and particularly by the right honourable gentle-

man who had just sat down. He was prepared to state what he had gathered from the journals, as to the practice of parliament on this subject. The course was different on commitments to the custody of the Serjeant, and on commitments to his majesty's jails. In the instance of commitments to the Serjeant, which were but temporary, the practice was both ways. The party obtained his release by petition often, and often by statement made in his favour, as in case of a commitment by a committee, when the committee reported that the witness comported or demeaned himself properly. The house would recollect the case of Mr. Alcock, who presented a petition on being ordered to the bar, and yet was committed to the custody of the Serjeant; though discharged in the course of the same night. The last case of that description was that of Mr. Stuart, the printer, who was committed to the custody of the Serjeant, and afterwards discharged upon petition. The commitments to his majesty's jails were different. He might venture to say, that in such cases the practice, if not universal, was general, not to release from such commitment, but upon petition. For this he could find no rule: it rested altogether on practice; and that, with the qualifications he had mentioned, was steady and uniform. As to the different forms of petitions, that must have arisen from the different and various circumstances which each petitioner might wish to bring under the consideration of the house. In general, the party acknowledged that he had offended against the privileges of that house, and expressed sorrow for that offence. He had thus stated what he had been able to collect from the journals, and which he felt it his duty to communicate to the house.

The Chancellor of the Exchequer observed, that, as the Speaker had stated that every person committed to a jail, according to the practice of the house, was required to petition, before he could be discharged, it would not be necessary for him to say much upon this subject. The question was not whether a petition presented was insufficient, but whether the circumstances of the time or the occasion were such as to induce the house to depart for the first time from its established practice. He could see nothing in either to call for such an abandonment of the practice of parliament. His honourable and learned friend had reasoned eloquently against the severity of calling

upon a man to recant heretical, or theoretical opinions, which he may have entertained against the constitution. Against all such arguments the only answer was, that he was not to be called upon to abjure any such opinions. But having been voted guilty of a breach of the privileges of that house, he saw no reason why he should not do that which he had already done. (*Hear, hear!*) The honourable gentleman seemed to think that Gale Jones had done enough in his former acknowledgment. But why should he now refuse to do what he had done at the bar, when it was requisite, according to the practice of the house, that he should present a petition to that effect to entitle him to be discharged? This single circumstance was sufficient to get rid of all the argument of his honourable and learned friend opposite. It would appear that he was not called upon to recant any opinions by a reference to the minutes of what passed when he was at the bar. From these, it would be seen that he admitted, "in this instance I have erred; and I throw myself upon the mercy of this assembly." Was it not clear then from this that he was not to be called on to recant any opinions he had previously held? It was his own contumacy, therefore, in refusing to do what he had already done, that prevented him from being discharged. It had been asked, why not discharge upon their own sense of justice. To this, he would answer, that the justice of such cases was always governed by the presenting a petition. Refusing therefore to petition, he was not entitled to be discharged. It was absolutely necessary for the house to abide by its forms, and that without suffering themselves to be bewildered with reasoning upon abstract propositions. As to questions raised with respect to the inequality of punishment in the exercise of this power of the house, he would admit that the house had many infirmities as to the power of inflicting punishments. If Jones had any severity to complain of, he brought it upon himself. He had reason to believe, notwithstanding what had been stated by the noble lord opposite to the contrary, that his right honourable friend was correct in stating, that Gale Jones had applied to a member to present a petition for him. The fact he had from more quarters than one, to whom it had been communicated by the honourable member himself. In the case of General Clavering last year, the honourable baronet (Sir T. Turton) would not even be heard without

a petition. The case of Drake, too, happened in a good time, as the gentlemen opposite sat then at the side from which he spoke; and yet the practice of the house had been adhered to. In these two recent cases, the house had shewn more severity than towards Gale Jones. He was not called upon to admit the falsehood of what he had stated before, but merely to say that by petition which he had already said at the bar of the house. Was there any thing that called for such departure from their usages? Was there any thing in the period that required them to descend from their dignity? Was this a time that they were to diminish those privileges which were essential to their existence? He agreed that they should not be actuated by any fear of being thought afraid to do their duty; but strong as he felt that sentiment, he should not do an act of injustice. He was of opinion that Gale Jones should be made to submit to the practice of parliament. This he was convinced the case required; and as no circumstances had been shewn to induce the house to depart from its established usage, he should feel bound to vote against the motion.

Sir Thomas Turton, in explanation stated, that he had presented no petition from General Clavering, whom nothing could have tempted to acknowledge that he had prevaricated, when conscious that he was wholly incapable of such conduct.

Mr. Whitbread, if the explanation of the honourable baronet had not anticipated him, had intended to set the right honourable gentleman right as to the allusion he made to the case of General Clavering. No petition whatever had been presented to the house from General Clavering; and so far as the reasoning of the right honourable gentleman rested upon that case, it must fall to the ground. He was of opinion that the right hon. gentleman, in the course of argument, had done great injustice to Gale Jones. By comparing his commitment to the cases of persons committed for falsehood or prevarication, the right hon. gentleman had done much injury to the person whose case was now under consideration. He was glad to find the right honourable gentlemen opposite admitting that the submission of Mr. Gale Jones at the bar was sufficiently ample; because when he had stated that upon a former occasion, these right honourable gentlemen had denied the fact. Now, however, the right honourable gentleman opposite acknowledged that the submission

was such at that time as to satisfy him, if only renewed in a petition. The right honourable gentleman had made but a partial quotation from the minutes, because if he had quoted the whole passage, it would give a different appearance to the feeling that produced it. The passage should begin, "On reviewing the paper, however, I acknowledge my error, &c." The house of commons, he did think, had treated Gale Jones with cruelty, in committing him for such an offence after he had thrown himself upon their mercy. But the right honourable gentleman had argued that he now refused to acknowledge by petition what he had previously admitted, and that it was owing to his own contumacy that he was not discharged. What could the house think of Mr. Jones, or he of the house of commons, that after having admitted his error and thrown himself upon its mercy, it should be expected that he should a second time acknowledge his offence? Was it not enough that he had once made the acknowledgment? No! said the right honourable gentleman, in the spirit of his intolerance, we must have him again do that which he has done before; we shall have him again at the bar, and make him shew that he has not changed his opinion. But supposing him to have changed his opinion, supposing that others too have changed their opinions, why should they compel him to say that what he thought true yesterday he continues to think true this day? He was aware that the right honourable gentleman was steadfastly fixed in his religious opinions, and that he might call upon the house to believe all they had been taught when they were children. But, said the right honourable gentleman, he is not to be called on to retract any theoretical opinion. If he had changed his opinion upon the subject of that paper, which he had before admitted to be an offence or error on his part, would it not be to call upon him to do violence to his conviction, to oblige him to acknowledge what he did not now believe? Suppose a man to live before the reformation, and for disbelieving transubstantiation to be brought before the persecuting inquisition. Suppose him before that terrible tribunal to admit that he believed the article, and notwithstanding to be sent to prison, where, meeting with books to enlighten him, he discovers the error into which he had fallen, and reverts into his former opinion, would it be no retractation of his opinion for him to be obliged to admit the doctrine of transubstantiation? But the right honourable

gentleman, if he did not acknowledge what he had done before, would apply to him the torture of the mind. Might not the man properly avow he would rather rot in prison than submit to such a recantation? than be driven to admit that to be false which he knew to be true? This would be Jones's case, if he had conscientiously changed his opinion since he had been at the bar of that house. But the right honourable gentleman would have his confinement continued to the end of the session, if he did not petition, and that too at a time when he was remarking upon the infirmities of the house of commons respecting the infliction of punishments. That right honourable gentleman was the first man who, in a British house of commons, desired that it might have the power of imprisoning for a certain time. This was the first instance of such a doctrine being broached, since these questions had been canvassed by enlightened men. If he for one were to be in the situation of Jones and to petition, he would be a hypocrite. The other right honourable gentleman (Mr. Secretary Ryder) who had called the able speech of his honourable and learned friend common places, had certainly exhibited in his own impressive, eloquent, illustrative, and conclusive speech, a most striking contrast to the common places he described. It had been said, that in all such cases the house was bound to decide for itself. That he denied. It had not done so in the case of Stockdale and Reeves. The attorney-general was ordered to prosecute. The right honourable gentleman (Mr. Ryder) therefore had mistaken and mis-stated the practice of the house. In all his arguments, the right honourable gentleman confounded the commitment of Gale Jones with commitments to which it bore no resemblance. Why should it be confounded with the cases of Drake, of Clavering, and Sandon? Forbid it, justice! forbid it, fair dealing! forbid it, the spirit of toleration! Mr. Gale Jones had been punished for a thing that, to the knowledge of every member in the house, had been practised every day for a considerable time past. As to the privileges of the house, he conceived they should be resorted to only in cases of necessity; and he saw no necessity for the house having exercised its power in the case of Mr. Jones. He happened not to be in the house at the time the vote passed for his committal, and he was now happy that he had in no degree made himself a party to that vote. If ever a

similar question should again be brought forward, he should not concur in such a vote. He should, on the contrary, propose that the case should be referred to a jury. It was well known that many things, which for a long time had been considered privileges, were found when examined to be no privileges at all. Among that number, he would mention manorial rights. He would not contend that Mr. Gale Jones should be released on account of any circumstances belonging to the present time, but that he had a right to be released on the justice of his case. It would be cruelty to continue his punishment for a term much longer than could be considered adequate to his offence. He knew nothing at all of Mr. Gale Jones; but he had heard that at the bar of the house he made a decent apology for his offence, and he thought the house ought not now to insist upon any more. It might very well happen that in the mean time he might have changed his opinion, and might now conceive (as many others did) that the house had no right to commit him. If this was the conviction of his mind at present, it would be cruel to confine him until he stated a contrary opinion. A good deal had been said about the state of the public mind upon the present question. He must allow that it was impossible to be entirely indifferent to that consideration; and the opinions which he had heard and read since this question was first agitated, had shaken most considerably the opinion he had before formed with respect to the privileges of the house on the point of commitment. He thought it was however most unfair to make the state of the public mind an argument for continuing Gale Jones in prison longer than the justice of his case required; and that no man ought to be sacrificed in order to prove the privileges of the house. If he was now to be discharged and commit another act of the same kind, he might be again taken up and punished as if he had not been before imprisoned. The continuance of the punishment beyond all measure or appearance of justice, would produce an effect on the public mind, very opposite to that which would be wished by those who were for supporting the character of the house with the country.

Mr. Windham, considering what was to take place to-morrow (the meeting of the Westminster electors), deprecated the idea of liberating Jones; for that would be,

on the vigil of their saint, giving up Barabbas to the people, who would not be imposed upon by the gift; who would not ascribe it to moderation or justice, but to fear. Was the house then disposed to shew that fear, or should they not rather, to repeat words already used in the course of the debate, be afraid to betray any such fear. Recurring to the cause from which this discussion originally sprung, the right honourable gentleman expressed his unqualified approbation of the conduct of Mr. Yorke, notwithstanding all the consequences which followed, and his resolution to resist any such concession as this motion had in view, particularly at the present moment.

Mr. Canning declared, that much as he differed from the right honourable gentleman who spoke last upon other occasions, he must even differ from him with doubt and reluctance upon a question of this nature. But yet he felt it his duty to vote for the motion, although agreeing with the right honourable gentleman as to his general principle, and by no means questioning the privilege of the house to commit to prison, or the propriety of its exercise in the instance under consideration. That privilege, however, was not now under discussion. The house was not called upon to abandon or to abate its pretensions. No; the simple question here was whether the punishment of the individual to whom the motion referred, was adequate to the offence he had committed, and all other considerations were quite irrelevant. With those who expressed a wish that this motion were postponed only for forty-eight hours, he fully concurred. But it must be felt that the bringing forward of the motion was the act of another. If that act were known to be with the concurrence of the prisoner, it might operate against him. But no such conclusion could be consistently formed, and therefore he could not allow it to have any influence upon his mind. The house was, in fact, called upon to consider, whether it would liberate the prisoner after the punishment he had suffered, or inflict upon him the utmost punishment in its power to inflict, by keeping him in prison to the end of the sessions. Now, was the house prepared to take the latter alternative, and to regard the case of Jones of a nature to deserve it? If any circumstance of aggravation could be proved against Jones, that might be a reason for the ex-

tension of his imprisonment. But not being aware of any instance of contumacy on the part of the prisoner since his appearance at the bar, recollecting his declaration upon that occasion, and not seeing any advantage the house could derive from the formal repetition of that declaration, he could not refuse his assent to the motion before the house. As the case was under consideration, it was now for the house to decide upon the most advantageous mode of disposing of it. For himself he was ready to say, that he was one of those who wished that such a case was not at all brought under the view of the house at present, and this he would say without meaning to impute blame to any one. But yet, as the conjuncture had arisen, it must be met without apprehension, without any fear, indeed, than that of being thought afraid. It was, however, to be considered, that if this motion should be resisted, and Jones were in consequence detained till the end of the sessions, the house would be exposed to the imputation perhaps of cruelty, but certainly of injustice; because it would be subjecting Jones to the same extent of imprisonment which it had in its power to inflict upon the great offender, who was now rightly and justly in custody. One of the great arguments in favour of this motion was that which the house must feel, that the same measure of punishment should not be dealt out to the minor and to the great offender. Indeed, every principle and feeling should dispose the house to act with lenity towards the object of the motion, who, although accidentally the first cause of the unpleasant discussions which had lately taken place, was quite thrown into the shade by the conduct of the great offender, to whom he had already alluded. Yes, compared to the conduct of that great offender, all that preceded it was scarcely worth remembering. Of that offender he should at present only say, that the good opinion which he before expressed, and certainly entertained of him, he now completely revoked. For he could not help thinking of that person's conduct as all his own former friends professed to do. But this misconduct, so generally complained of with regard to that person, had no reference to the question before the house, for the affirmative of which he should vote, without meaning in any degree, he repeated, to impugn the principles upon which the privileges of that house were so justly asserted to rest.

The Solicitor General contended against the releasing Mr. Jones, without his presenting a petition in the usual forms. He could not see any reason for excepting this case from the general rule. He did not see on what particular grounds it could be contended that Mr. Jones was entitled to more favour from the house than other persons who had been committed to prison by the house. He could not agree with the honourable gentleman that there was any necessity for Mr. Jones or any other petitioner recanting any particular opinion: it was only necessary that he should state generally his sorrow for having violated the privileges of that house. Now he could not conceive what objection Mr. Jones could have, in point of conscience, to state that in writing, which he had already stated at the bar of the house. He believed that no man could deny that Mr. Jones had been guilty of a violation of the privileges of the house; and if it were impossible for him to doubt that he had been guilty of that offence, what reasonable objection could he have to comply with what was required by the forms of the house, and say so in a petition? Such a confession would have nothing to do with the abstract question of the right of the house to commit, or the other questions which had recently been agitated. There were two remarkable cases which were directly in point. In the last session, the house had committed Captain Sandon and General Clavering. The former had evidently been guilty of the grossest prevarication, which he confessed; and the latter had positively declared, and the declaration was believed by his friends and many members of the house, that he never did intend to prevaricate. Of this, however, every body was agreed, that the guilt of Captain Sandon, in concealing the note, and the many falsehoods he told respecting it, was greater than the offence of General Clavering. Nevertheless, Captain Sandon was liberated after a month's imprisonment, because he presented a petition; and General Clavering, because he presented no petition, was suffered to remain in prison till the end of the session, which was three months from the date of his imprisonment. These recent instances would shew that the house was accustomed to shew lenity to those who asked it by petition in the usual forms.

Mr. W. Smith could not see that the dignity of the house absolutely required some petition, but that any

petition of any kind would be sufficient to satisfy that dignity. He thought nothing could be more contrary to the real dignity of the house than to confine a person longer than the justice of the case required, merely on a point of form. He thought the honourable and learned gentleman (the Solicitor-general) who had just sat down had chosen strange cases to support his argument. As to the imprisonment of General Clavering for three months, he believed there were very few who recollected the evidence he gave, that considered an imprisonment of three months as a punishment too great for his offence; and therefore it was not at all surprising that no member should have moved for his being discharged without a petition. The fact was, that it was the opinion and the advice of the friends of General Clavering, that it was more advisable for him to remain in prison during the session, than receive that sort of reprimand which he would have been liable to, if he had been discharged upon his petition. Captain Sandon had presented a petition, and was discharged after a month's imprisonment, upon receiving a reprimand. It could not however be said that he received more lenity than General Clavering, as the friends of the general thought it better that he should be some time longer in prison than be subject to such a reprimand. There was, however, a prodigious deal of difference between the guilt of General Clavering and that of Mr. Gale Jones. He believed that every one must allow that the offence of the latter by no means merited so severe a punishment as was due to that of General Clavering. He thought it would be an unworthy and disgraceful reason for continuing Mr. Jones in custody, that to-morrow a great meeting was expected in Westminster.—(*Hear, hear!*) Why should he be imprisoned in consideration of the probability of some other persons doing some other thing entirely unconnected with his offence? As to the question which would then probably be discussed, he must say, that he very much wished that the house had agreed to the reprimand instead of committing Sir Francis Burdett. If they had done so, many disagreeable consequences might have been avoided. At present, the minds of the people were, and must necessarily be in a state of suspence about the legality of the execution of the warrant, until the trial should have taken place. He thought that this question ought to be decided on its real merits, and that the further imprisonment of

Mr. Jones should not be made to depend upon a mere point of form. If the house really conceived that Mr. Jones had received sufficient punishment for his offence, he could not think that it would be at all for their dignity to act contrary to justice.

Mr. Marryat did not consider that Mr. Gale Jones should be punished merely for obstinacy. If the punishment he had received was considered sufficient for his contempt of the privileges of the house, it was his opinion that he ought to be discharged.

Sir James Hall did not conceive that the house would either consult its dignity or its character by an unnecessary prolongation of the imprisonment of Mr. Jones. He did not know but that so far from a punishment it might be of service to him. It might serve him in his debating society, and in his trade as an orator, to have his case made interesting to the feelings of the public. He would probably be considered as a martyr to public principles, and thereby gain a degree of popularity that would more than repay him for his imprisonment.

Mr. Wilberforce observed, that no man yet had attempted to answer the very able arguments of his right honourable and learned friend (the Master of the Rolls). The powerful arguments which he urged with so much weight remaining completely unanswered, he could not avoid agreeing to his conclusions, and voting for the release of Mr. Gale Jones. The case of Captain Sandon only proved, that the house did, upon a petition, remit a part of the punishment which they would otherwise have considered due to the offence. Their remitting however part of the merited punishment on account of a petition, could not at all be produced as an argument for inflicting more than an adequate and merited degree of punishment on a person who did not petition. (*Hear, hear!*) He thought this case ought to be decided upon its own particular merits, without any consideration of circumstances which were extraneous to it. From all the views he could take of the subject he felt himself bound to vote for the release of Mr. Gale Jones.

Mr. Wardle said, that he should vote for the release; and he trusted that, on a future day, he should be able to prove to the house the truth of the opinion which he had entertained all along, that the house had no power to commit.

Mr. Croker could not see any reason why the present case should be determined in a manner different from what appeared to be the established usage of the house on similar occasions. He could not see that this case stood on more favourable circumstances than other cases, and therefore he should vote against the motion, merely on the ground of conforming to established precedents, and to the usage of the house.

Mr. Bankes spoke against the motion. He said, he did not rise to add to any of the arguments that had been urged against it, but simply to state his opinion, that he saw no reason why that house should in that particular case, and more especially at that particular crisis, depart from the observance of those rules that had uniformly guided their conduct in similar circumstances. It had been urged that Mr. Jones had expressed his contrition, and besought their clemency at the bar when he was brought to it—it seemed that there was no doubt he had done so, then could he not write what he had spoken? And, if he had since suffered himself to be so ill-advisd as to be guilty of so contumelious an omission, was that a reason why that house should depart from a rule hitherto so strictly observed, and to reward his contumely with an exercise of extraordinary lenity? (*Hear, hear!*) He intreated the house at such a period not to swerve from the due assertion of their privileges.

Mr. Hiley Addington thought that the general usage of the house with respect to persons who had been committed to prison without having expressed contrition, did not apply to the present case, where it allowed that the person brought to the bar had expressed his sorrow for the offence, and asked the forgiveness of the house. It appeared to him that the address made by Mr. Jones, at the bar, was in the nature of a petition, and that it ought to be considered as applying to every period of his imprisonment. Whenever his discharge was moved for, it should be recollected that he had in fact expressed his contrition, and thus complied in substance, if not in form, with all that the house ever required of a petitioner. He concluded by giving his vote for the release.

Mr. Wynne considered that in the case of General Clavering the punishment was not more than equal to the offence. Mr. Jones had, however, now been in prison nearly as long: he had been eight weeks in Newgate, and

that was a time which every body seemed to consider an adequate punishment for his offence. It must also be recollected that the house was now on the eve of an adjournment, which would necessarily add considerably to the term of his imprisonment, if he were not discharged at present.

Mr. Adam, notwithstanding what had fallen from an honourable gentleman on the floor (Mr. Bankes), was yet inclined to doubt whether the rule requiring petition previous to enlargement, was a rule invariably observed. He apprehended that there had been instances of liberations without petitions, but this he would not take upon himself to assert positively. It was however an usage, and then the question was, whether it was an usage amounting to a law? If it was an usage amounting to a law, then it brought down the right of commitment to a right of committing for contempt in the narrowest sense—contempt in the narrowest sense was physical obstruction, in that case the person committed was necessarily bound to acknowledge his offence as a security against the repetition of it. Here then the regulation might be said to be inveterate law, but then there were constructive obstructions respecting which the house in the exercise of their judgment had a wider latitude of discretion. The exercise of that discretion must, of course, vary according to the circumstances of different cases; they did not question the right of the privilege itself, nor at all weaken it by such a variation—since the discussion was not upon the existence of the privilege, but upon the extent and degree to which it had been violated, and he thought that their not being tied down to a strict observance of the same uniform proceedings in all cases, rather strengthened than weakened their privileges, whereas the confining the breach to the narrow ground of a mere contempt, was taking out of the class of constructive obstructions, and reducing to that of physical obstructions merely. If then the case now before them was not one of these, but a constructive obstruction, then the question was reduced to one of distributive justice, and looking at it in the light of a question of distributive justice, he had no hesitation to say, that the arguments of the right honourable and learned gentleman (the Master of the Rolls) were unanswerable. If then it did appear that justice was in favour of the motion, what was to deter that house from acting justly? He thought, for his part, that it would shew more courage

to do their duty openly and in defiance of vulgar calumny than to be deterred from it by the fear of being afraid —they had demonstrated their power not to be at all afraid of committing their authority by the liberation of Mr. Jones. He should suggest, however, to his learned friend the propriety of substituting Wednesday in his resolution in place of Tuesday, on account of the popular meeting to be held on that day in Westminster.

Sir Samuel Romilly readily acceded to the suggestion of Mr. Adam, and varied the wording of his resolution accordingly. He could not as easily accede to the suggestion of a right honourable gentleman respecting the inserting in the resolution a requisition of that submission from Mr. Jones, which he (Sir Samuel) had frankly declared the house, in his humble judgment, had not any right to exact. He thought it necessary, however, to read from the journals what was there recorded respecting that submission. It there appeared, that Mr. Jones had, when called to the bar, expressed his sorrow for having erred therein. He said that he did not rise to add any thing to the strong arguments brought forward in support of his motion, but to observe upon one or two indirect insinuations which had been thrown out against his motives in bringing forward this motion. It had been said, in allusion to the Westminster meeting that was to take place to-morrow, that the opportunity had been anxiously wished for or eagerly caught at. If any man thought that he (Sir Samuel) could be so influenced in that or any other proceeding, to that man he would not condescend to justify himself (*Hear, hear!*). He could not have foreseen, when he had early given notice of this motion, that it would not have come on till then. Neither could he, with propriety, have consented to postpone it till after the recess, as that would be delaying for three weeks from the time first fixed upon for the enlargement of the person, in case the house should not agree to his motion. This was no trifling consideration to a man in such ill health as he understood Mr. Jones to be. Another consideration in favour of bringing on this discussion rather before than after the meeting at Westminster was, that he could not be certain that there might not be resolutions proposed to which he (Mr. Jones) was not at all instrumental. He might yet suffer in consequence of the nature of such resolutions, making it rather a delicate matter to submit that proposi-

sion to the house. Sir Samuel then proceeded to argue briefly that there was no invariable rule requiring petition on the part of the prisoner, since the warrant stated simply "during pleasure;" whereas, was that the rule, it ought to contain also the words "and until the said prisoner has submitted to the house." Another thing that shewed the usage not so general was, that different gentlemen did not agree among each other as to the forms of the practice—as whether the petition should simply express sorrow; or also confess guilt, and acknowledge the justice of the punishment. A right honourable gentleman had denied that the punishment was sufficiently severe. This was not to be argued upon—it was matter of feeling. He had also been charged with sophism, and a blow had been given by anticipation to bills now pending, and in the success of which he acknowledged he felt a lively interest. The principle on which they had been founded was said to be a sophism, but he felt consoled by the assurance that whatever were their merits the house would not prejudge them. (*Hear!*) But it had been said that the punishment for contumely, was a punishment for an offence in addition to the first, and that it was in Mr. Jones's power, to terminate that punishment. There was a law once very prevalent in different parts of the Continent, and he believed now existing in some countries, that no malefactor condemned for a capital offence should be executed before he had confessed his crime, and this confession was extorted by the torture rack. The cases of Clavering and Sandon had been relied upon, but they really appeared as cases that ought to have been cited, in order to shew the injustice of such a rule—Sandon was committed for prevarication of a very gross and wanton nature—the other was committed for prevarication by no means so aggravated. Sandon sent in an abject petition, acknowledging his guilt, and was forthwith discharged; the other continued a prisoner the whole of the sessions, rather than say that he was conscious of prevarication. He might plead confusion of understanding, and so far comparatively redeem his character. It had been said, that the punishment was, after all, limited, as he must be enlarged at the end of the sessions; but this meant rather that their power was limited, not the punishment, for the king was not bound

to prorogue a parliament, and thus the liberty of the subject was transferred to the power of the crown, and was that a state in which the criminal jurisdiction of that house ought to remain? He concluded by a solemn declaration, that if he were in the situation of Mr. John Gale Jones, he would sacrifice his liberty, highly as he valued it, before it would consent to purchase it by a pitiful retractation of his real sentiments, compromising his character, and violating his integrity.

The house then divided on Sir Samuel Romilly's motion, for the enlargement of Mr. Gale Jones.

Ayes - -	112
Noes - -	160
Majority	48

Upon re-admission to the gallery we found Mr. Wallace on his legs. He stated, that he had, since he first adverted to the subject, found that in the newspaper in which a misrepresentation of an honourable baronet (Sir J. Anstruther) had taken place, a subsequent voluntary apology was made, highly creditable to the editor of that journal.

Sir J. Anstruther stated, that the subject was mentioned without his consent.

Mr. Wharton after some prefatory observations moved that a sum not exceeding 548,481*l.* be voted towards the barrack department, which, after some remarks from Mr. Parnell, Mr. Whitbread, and Colonel Wardle, upon the arrears of General De Lancey and the expences of the commission in his case, were agreed to.

The sum of 1,050,000*l.* was then moved for the commissariat expences of the current year.—Agreed to.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, APRIL 17.

CRUELTY TO ANIMALS.

Lord Erskine presented a bill on this subject similar to that which passed the lords last session, with the addition of a clause, making the reward of the informer depend on the proof of the cruelty practised being malicious and wanton. The bill was read the first time.—Adjourned.

HOUSE OF COMMONS,

TUESDAY, APRIL 17.

WESTMINSTER PETITION.

Lord Cochrane brought up the petition of the electors of Westminster, on that day assembled in palace-yard, and moved that it should lie on the table.

The following is a copy of the petition:—

To the honourable the commons of the united kingdom of Great Britain and Ireland, in parliament assembled.

The petition and remonstrance of the inhabitant householders of the city and liberties of Westminster, assembled in New Palace-yard, the 17th day of April 1810, by the appointment of Arthur Morris, Esq. the high bailiff, in pursuance of a requisition for that purpose.

We, the inhabitant householders, electors of the city and liberties of Westminster, feel, most sensibly, the indignity offered to this city in the person of our beloved representative, whose letter to us has fallen under the censure of your honourable house; but which, so far from deserving that censure, ought, in our opinion, to have led your honourable house to reconsider the subject which he had so ably, legally, and constitutionally discussed. We were convinced that no one ought to be prosecutor and juror, judge, or executioner in his own cause; much less to assume, accumulate, and exercise all those offices in his own person. We are convinced that the refusal of your honourable house to inquire into the conduct of Lord Castlereagh and Mr. Perceval, then two of his majesty's ministers, when distinctly charged with the sale of a seat in your honourable house, evidence of which was offered at the bar by a member of your honourable house; and the avowal in your honourable house, "that such practices were as notorious as the sun at noon-day," practices, at the bare mention of which, the Speaker declared, that our ancestors would have startled with indignation; and the committal of Sir Francis Burdett to prison, enforced by military power; are circumstances which render evident the imperious necessity of an immediate reform in the representation of the people. We therefore most earnestly call upon your honourable house to restore to us our representative; and, according to the notice he has given, to take the state of the representation of the people into your serious consideration; a reform in

which, is, in our opinion, the only means of preserving the people from military despotism.

The honourable Mr. Ward could not consent to the reception of what he considered a gross and glaring violation of the dignity of that house. (*Hear, hear!*) He chiefly objected to the wording of the petition, and thought the introduction of the term "*remonstrance*" particularly indecorous. He trusted that the petition would be unanimously rejected by the house.

Mr. Curwen also objected to the language of the petition, but thought it ought not on that account to be rejected altogether. Perhaps the best way would be to have it for the present withdrawn, in order that after it had been subjected to the revision of the petitioners, it might be again presented in less objectionable terms.

Mr. Whitbread was exceedingly sorry that any objection whatever had been raised to the reception of the petition. He wished to have heard the opinion of the Chancellor of the Exchequer on the subject before he gave his own; but still he had no hesitation in saying, that though he objected to many of the phrases in which the petition was couched, yet if the house on that account rejected it, they would be led into a most violent act. The petition proceeded from a meeting highly respectable, convened according to law, and conducted in the most orderly manner. The grounds, therefore, of its rejection should not be slight. (*Hear!*) An objection had been made to the introduction of the word 'remonstrance,' but the word itself conveyed no indignity; it was used in every petition to the crown, and such petition was never objected to on that account. The electors of Westminster was indignant at the arrest and imprisonment of one of their representatives for what they considered an "able, legal, and constitutional argument:" so far it was with them a matter of opinion, and they had a right to express their opinion. As to the other point of their complaint—the acquittal of Mr. Perceval and Lord Castlereagh, that also, as it appeared on the minutes of that house, they had a right to comment on; and still more had they a right to express their concurrence in the opinions so ably expressed by the Speaker, to the great instruction of the house, and delight of the country, and which they might have seen faithfully reported to the nation in the very phrases in which they were uttered. With respect to the mode of

executing the Speaker's warrant, after all that had passed, he did not wonder that doubts existed on the subject. Was it surprizing, after the very ambiguous opinion of the Attorney-general? Was it surprizing that, wishing as they did, for reformation, they should be indignant at the imprisonment, and pray for the release of the great champion of that reformation? Was it surprizing that they should be incensed at the conduct of government in not calling out the civil power until they had the military to march by their side? (*Hear, hear!*) Was it surprizing that they should say seats in that house were bought and sold like cattle in a fair, when the assertion had been made even in that house and not denied? The house, indeed, admitted the fact, but *disdained the imputation;* they loved the treason, but were indignant at being called traitor! (*Hear, hear!*) The substance of the petition then could not be objected to, and surely it ought not to be rejected on account merely of the terms in which it was conveyed. That might, hereafter, be a cause for not acceding to the prayer of the petition, but it could be no ground for refusing it leave to lie on the table. The Speaker had, on a former occasion, magnificently said, that the doors of that house ought to be thrown open to the petitions of the people; but if this petition was now refused, that house might be said to be shut against them; it would be, indeed, an act most violent against the people. In one point of the present petition he particularly concurred, the prayer for a reform; it was, indeed, become highly essential; the country desired it, and the house needed it. (*Hear, hear!*)

The Chancellor of the Exchequer thought there was much of the language in the petition which ought to have been omitted, and which was certainly calculated to produce very strong emotions in the breasts of those to whom it was addressed. There were some cases, however, in which the forbearance of the house might be most prudently exercised, and in his opinion this was one of them. (*Hear, hear!*) Such was also the case of Mr. Horne Tooke, which had been referred to. There was no doubt there were many expressions in the present petition, which the house might notice, if they were captiously inclined; he thought, however, it would be the wisest plan to pass them over. There was no doubt their constituents had a

right (and had exercised that right) to ask a review of a measure which had passed with a view to a reform. They were now then only acting on a former precedent. He hoped gentlemen would give him credit now for speaking his real sentiments, when he said that he thought the petition ought to be received. (*Hear, hear!*) The expression to which he had most objection was that in which they reprobated the decision of the house; but still he did not think even that would warrant the total rejection of the petition. He would, however, act very differently if he supposed the petition did not contain their real sentiments, but was merely intended as a vechicle of abuse.

Mr. Ponsonby did not think the petition contained matter which called for its rejection. The constituent often petitioned even against an act of parliament; and why should he be now condemned for petitioning against a decision of a separate branch of the legislature? The language of the petition was, no doubt, in some degree reprehensible; but still that was, in his opinion, not sufficient cause for its rejection.

Mr. Canning, though his opinion was opposite to that of the honourable gentleman who opened the debate, yet gave him credit for the spirit and propriety with which he brought it forward. Whatever form the question might hereafter take, good must have been done by the discussion. On looking over the petition, it was obvious that one of its objects was to provoke something of that kind of remark which had been made, and that the drawers up of the paper were trying their ingenuity how close they might run to actual insult. But if this petition were thrown out, the consequence would be, that another would be presented, containing insult equally strong, but more dextrously concealed. Then the house might be brought into the dilemma of having received one and rejected another, while both contained the same matter. The word 'remonstrance,' of which so much had been said, appeared to him not worth considering: the only phrase which really seemed obnoxious was, that in which it was said that the house offered an indignity to any class of the people. This was not true, and therefore not fit to be introduced into a petition; notwithstanding which, he thought, from the reasons already given, it might be permitted to lie on the table.

Mr. W. Smith was induced to rise by the last words of the honourable member who had just sat down. The indignity was not spoken of in the petition as arising on any act of the house. It might be construed into the mode of arrest, executed by the Serjeant at Arms, on Sir Francis Burdett. He (Mr. Smith) gave the honourable gentleman (Mr. Ward), who opened the debate, sufficient credit for his firmness; but the highest credit for wisdom and moderation was to be given to the two honourable members (Messrs. Ponsonby and Whitbread), who supported the right of the petition to be received. In the conduct of the house there was much room for praise on the present occasion. They had shewed themselves not afraid of being thought cowards: they had now acted in a manner, which it was to be regretted they had not adopted in certain late instances. It was by the exercise of moderation and firmness that they were to renew the connexion which ought to subsist between the house and the people. A few acts of this kind would go farther than any exercise of doubtful authority.

Mr. Whitbread said, that he did not conceive the word "indignity," to have been applied to the proceedings of the house; yet he wished it to be understood, that even if it had been so applied, it could not, in his mind, have affected the right of the petition to lie on the table.

The question on its reception was then put and carried without a division.

The petition was received, and ordered to lie on the table.

The Speaker read a notice of legal proceeding against him, in the name of Sir Francis Burdett. This paper differed from that which had been before read from the chair, only in (as far as we could ascertain) the name of the parish in which Sir Francis's house stands.

The Chancellor of the Exchequer wished members to consider, previously to the discussion connected with the notice just read, whether a violation of their privileges was not involved in those proceedings? The act of the Speaker was the act of the house; and the question might come, whether the interference of any external authority with an act done in the house, was not an infraction of the bill of rights.

Mr. Whitbread thought the Chancellor of the Exchequer's view of the bill of rights as erroneous as Mr.

Yorke's. The arrest was an act done without the house, and it was of course like any other act of any other body of men.

LORD CHATHAM.

Mr. Whitbread wished to ask the Chancellor of the Exchequer one question. The matter of his question was so strange and doubtful to himself, that he almost asked it now only to have it denied. Lord Chatham, as the nation had been given to understand, had resigned his place about two months ago; but it was whispered that the resignation was a feint; that he still held the office of master-general of the ordnance; that he still possessed the patronage; and moreover, that he still condescended to receive the salary. Was this monstrous story true? Could it be true? He (Mr. Whitbread) was anxious, absolutely anxious, for the credit of the ministry, to have it answered in the negative.

The Chancellor of the Exchequer stated, that Lord Chatham still held his place. Till his patent was revoked, it was his duty to retain it; and the patent was not to be revoked in places so circumstanced, until the appointment of a successor. The weighty business which occupied government might account for that successor's not having been appointed; but Lord Chatham did not assist at the cabinet.

Mr. Whitbread was astonished at this discovery. What! was this great delusion to be practised on the people of England? A man resigned his place to the king (this was the statement of ministers); he thus withdrew from the publicity of the situation; but how was this accomplished? By a vile delusion. For when the ministers gave the country to understand that Lord Chatham had retired, the contrary was the truth. The minister had not been without opportunities of clearing up this point; for on being asked if the place was filled up, his constant answer was, that government intended to fill it up as soon as possible, thereby plainly intimating that it was vacant. Was this to be sheltered under the pretext of a patent place? The question had not been whether Lord Chatham was a cabinet minister, but whether he was master-general of the ordnance. If his removal had not been perfectly understood, an address would have been moved to displace him. There was one more question, that he only required to have his full appetite for

wonders satisfied. Did Lord Chatham continue to receive his salary?

The Chancellor of the Exchequer professed that he could not be certain on the point, as it was not within his office.

Mr. A. Cooper admitted, that he had received his salary up to the last quarter. Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, APRIL 18.

AMERICAN NEGOTIATION.

Mr. Canning rose to put a question to the honourable gentleman on the opposite bench (Mr. Whitbread) respecting our transactions with America. It would be recollected, that observations had been made tending to intimate that he (Mr. Canning) had actually told a lie before that house, and in the face of the world, with regard to the instructions which he, when in office, had given to Mr. Erskine. The papers which served fully to elucidate this subject had been now nearly two months before the house, and no proceeding was taken in pursuance of the object, with a view to which the honourable gentleman called for those papers. He therefore thought it necessary to ask, after such a public imputation as he had alluded to, had been cast upon his character—whether the honourable gentleman meant to bring forward any motion upon this question, and at what time he would feel it convenient to do so.

Mr. Whitbread stated, that in consequence of the pressure of public business for some time back, he had not yet been able to read the papers alluded to by the right honourable gentleman. But he would take care to examine them in the course of the recess, and if they did not serve to dislodge the impression he had been induced to entertain upon this subject, he should certainly feel it his duty to submit a motion to the house respecting it.

Mr. Canning expressed a hope that the right honourable gentleman would either bring the matter under discussion, or state his reasons for declining it, so that the intimation, of which he had reason to complain, should not remain uncontradicted.

Mr. Whitbread replied, "Undoubtedly"—and added,

that he felt himself bound to apologize to the right honourable gentleman for the delay which had already taken place upon this subject.

On the motion of Mr. Abercrombie, a return was ordered to be laid before the house with regard to the casualties in the army, from the close of the year 1800, to the latest period at which the same could be made out.

THE LATE DISTURBANCES.

Lord Ossulston rose to put a question to the Secretary of State for the home department, with respect to a subject which considerably agitated the public mind. He saw in the newspapers a proclamation, offering a reward for the discovery and apprehension of persons alledged to have fired at some of the military in the course of the late disturbances: and he saw also the report of a coroner's inquest, who had found a verdict of "wilful murder against a life guardsman unknown." Now he wished to know, whether it was intended to issue a proclamation, and whether it was in the contemplation of government to take any steps towards discovering the offender, whom, he understood, it could not be difficult to find out, as he was one of a rear guard, consisting of only six persons.

Mr. Ryder admitted, that if the concluding statement of the noble lord were correct, there could of course be little difficulty in discovering the offender alluded to, if offender there were. His majesty's ministers had no doubt instituted an inquiry, as their duty prescribed, into all the circumstances connected with the conduct of the soldiery and the populace during the tumult, and he was enabled to state, that there was no instance in our history where it was found necessary to collect the troops, in which the forbearance and moderation of the soldiery was so remarkable, while they were not only pelted by the populace with stones and mud, but actually fired upon. This moderation was, indeed, not only manifested during the period in which the army were engaged in Piccadilly, but upon the Monday when the prisoner was conveyed to the Tower. Such was the result of the inquiry which his majesty's ministers had instituted. As to the particular event adverted to, he was assured that no shot was fired by a soldier, until several shots were fired from the same place to which the fatal shot was directed. Under these circumstances it could not be expected that govern-

ment should issue the proclamation required by the noble lord; nor did he think, unless a different result should appear from farther inquiry, it would be consistent with its duty to issue any.

Mr. Whitbread agreed with the right honourable gentleman, that the conduct of the soldiery had been very exemplary; but did that right honourable gentleman mean to say, standing in that house as a minister—

Here the Chancellor of the Exchequer rose to order, observing, that as there was no question before the house, the honourable member was not warranted in proceeding farther. He had no objection whatever to a discussion of the case referred to, but he felt the impropriety of allowing a speech to be made, and to go forth without any answer.

The Speaker remarked upon the point of order, that it was deemed generally inconvenient to the house to extend a conversation of this nature, beyond the mere answer to the question proposed. If it were desired to carry the subject farther, the practice was according to the custom of the house to give notice of a motion. He begged pardon for interrupting the honourable member, but being appealed to on the score of order, he felt it his duty to state his opinion.

Mr. Whitbread expressed his resolution to avail himself of his right to make a motion, without giving any notice; and that motion would be, that the verdict of the coroner's inquest should be laid before the house. He was really much astonished at the very extraordinary doctrine laid down by the right honourable gentleman. What, did the right honourable gentleman mean to assert that the verdict of a coroner's inquest was not deserving of any investigation, that it formed no ground for additional inquiry, that no step should be taken in consequence of it? Was it not due to the cause of justice, to the feelings of the public, to the character of the soldiery, one of whom was accused of murder by this verdict, that an inquiry should take place? Such an inquiry indeed seemed peculiarly due to the vindication of the troops; for until the guilty individual was discovered, the whole body was liable to be implicated in the imputation that verdict conveyed; and why should not a proclamation be issued in order to faciliate that discovery? But it appeared from the statement of his noble friend, that there

was an obvious facility towards that discovery, within the reach of ministers, without any proclamation whatever? Why should not such a facility then be immediately resorted to? Surely no minister would pretend to disregard the verdict of a coroner's inquest, to assume the right of a grand jury, or to prevent that case which a coroner's inquest pronounced to be wilful murder, from being referred to a jury for trial. It was clearly necessary that the inquiry should be followed up on this business, for the satisfaction of the public and the soldiery. If it turned out, from that inquiry, that the statement of the right hon. secretary was well founded, that the conduct of the troops was in all instances marked by forbearance and moderation, and that several shots were fired from the place where this murder was alledged to have occurred, then the inquiry would be most satisfactory; but yet it could not be argued, that because the soldiery in general behaved well, the murder of an innocent man by one of those soldiers, ought to be overlooked. Such an inference alone could warrant the disposition betrayed by the doctrine of the right honourable secretary, and therefore he felt himself irresistibly impelled at once to oppose it. Therefore indeed he was urged to that which he should be otherwise indisposed to do, if he was not so pressed.

The Speaker hoped the house would feel that he had done no more than his duty in stating the usual order of the house upon a case of this nature; and on any future occasion he should content himself with merely a similar statement, leaving to any honourable member to use his own discretion afterwards.

Mr. Whitbread disclaimed the slightest intention of finding fault with the conduct of the chair. But he hoped it would be remembered that his conduct was not without precedent; for a right honourable gentleman had, not long since, made a motion in that house, at a late hour of the night, without any previous notice, at which he would himself have attended, if he had been aware of the intention to bring it forward.

Mr. Canning comprehended the allusion of the honourable member; but contended that the case he referred to (a vote approving of the Speaker's conduct, as we understood), arose out of the discussion at the time before the house, and had no analogy whatever to the manner in which the honourable gentleman had brought forward this mo-

tion, which motion he should oppose solely upon this ground, that being introduced without any previous notice, it took the house by surprize.

Mr. Tierney supported the opinion of Mr. Whitbread.

Mr. W. Smith thought the doctrine laid down by the Secretary of State rather hastily hazarded, and that he was not at all aware of its tendency. The verdict of a coroner's inquest was, it would be recollected, taken on oath, and was that the case with the inquiry instituted and conducted by the right honourable secretary, or was that inquiry made in open court?

Mr. Ryder re-asserted his former declaration, that ministers saw no reason to alter their course upon this subject. The event alluded to had occurred many days ago. Ministers had been since engaged in their inquiries, and they did not feel it their duty to advise his majesty to issue any proclamation upon the subject. What might be the result of further investigation he could not pretend to anticipate. The inquiry was still going on, and would not terminate while any facts remained to elucidate, or any prospect of new information offered. Such being the intention of government, he saw no reason for this motion, which, however, he should oppose because the manner of its introduction was contrary to the uniform recognized practice of the house.

Lord Ossulston admitted the general good conduct of the soldiery, but he begged the house to recollect, that one inoffending individual had been murdered; and the good conduct of thousands was no atonement for that crime.

Mr. Harvey Combe stated, that there was an inquiry in the city that day, in consequence of an unhappy event similar to that under consideration. The firing of the soldiery had been productive of very unfortunate results in that quarter; but in stating this he wished it to be understood, that something must be allowed for provocations. There were undoubtedly some attacks made upon the soldiery in the city, but neither those attacks, nor their general moderation, could plead for such a crime as that to which the motion before the house referred; and therefore he would support it.

The Chancellor of the Exchequer thought this motion ought to be resisted, from the irregular manner in which it was brought forward; and particularly because there

was no urgency in the case that called for any departure from the usual forms of the house. There was in fact no object in view which could not be answered, without resorting to the irregularity complained of, to which irregularity the honourable mover seemed to have been prompted solely from a desire to make a speech. But, if the conduct of the honourable member were sanctioned, any other member might take the same course, and the house must be aware of the inconvenience to which such a practice would lead. There were other reasons upon which he would oppose the honourable member's motion. He conceived it tantamount to a call upon the house to interfere with the executive authority, and with the ordinary administration of justice in a very improper manner. Government were already occupied in inquiring into this subject, and on what ground could that house interpose, unless upon that of a suspicion that government was not doing its duty? His right honourable friend had truly stated the result of the inquiry so far as it had gone, and that certainly did not appear such a special case as would justify the issuing of a special proclamation. To the general abstinence and moderation of the soldiery, his right honourable friend had very justly borne testimony, and in no direction was that moderation more proved than in the very place, or its vicinity, where the shot was fired which produced the murder alluded to. He understood, indeed, that from the very alley where the death took place the military were more annoyed by brick-bats and mud, &c. than from any other place, because the cavalry could not enter or even approach it. But there was an officer present in the house who was on duty at the time, and who had it in his power to state the particulars.

Captain Agar, without meaning to offer any opinion upon the motion before the house, thought it his duty to state what he knew from having been on the spot in the performance of his military duty, and he could assure the house that the event which gave rise to this discussion, occasioned the utmost pain to the feelings of both the civil and military who witnessed it. Indeed, he knew well how much it afflicted the military. But the fact was, that from the alley alluded to, which was near St. James's church, the military received the utmost annoyance. Indeed, above fifteen or twenty shots (by one of which a soldier was wounded in the arm) were fired from

that direction before the soldiery were even allowed to load. To this, not only he, but several others, among whom was the civil magistrate, could bear testimony. He thought it right to add, that the noble lord was mistaken in speaking of a rear guard—for there was no such thing. There was near that spot a large detachment of between 60 and 100 men; as to five or six persons he could not answer whether so many might not have been separate from the main body, but there was no such thing as a rear guard. He should not then further trespass upon the attention of the house, but would take occasion when the case came to be specially discussed to state his sentiments more fully, and hoped the house would be so good as to hear him with patience.

Mr. Whitbread rose and was proceeding to reply, when

Mr. Croker rose to order, and said that as the honourable gentleman insisted upon strict right in bringing forward a motion without due notice, he (Mr. Croker) would press the strict right of the house, which prohibited that honourable gentleman from replying.

The Speaker was of a different opinion. He thought the mover of an original question entitled to reply, with the pleasure of the house.

Mr. Whitbread said, that if it was the object of the honourable gentleman to impede his speaking, the means resorted to would not have answered that end, as it would be in the power of any gentleman to move the previous question, which would open the debate to him and every other member. With respect to the first speech of the right honourable the Secretary of State, he had been provoked by the doctrines laid down in that speech to make the observations he had done, and when he was stopped in proceeding in those observations, he had had recourse to that mode which the case itself justified him in resorting to, independent of such interruption; as long as he was a member of parliament a case had not before occurred in which he would have thought it necessary to exercise that discretion till that day, and in that instance he had acted up to the best of his judgment; the occasions of doing so can be but very rare. With respect to the gallant officer under the gallery, he gave him and his brother officers every credit for their manly and judicious forbearance and moderation in the recent disturbances; still,

however, it was no reason, if among a thousand of the soldiers, with the exception of one man, they had all conducted themselves with temper, and that that one man had been guilty of murder; there was no reason why that one man should escape with impunity. He asked the Chancellor of the Exchequer, as a lawyer, if the verdict of a coroner's inquest was not sufficient to dispense with the sending a bill before a grand jury? The whole of the evidence taken before an inquest was taken upon oath. He thought it therefore indispensable that this man should be put upon his trial. He would ask the Chancellor of the Exchequer. if he or any of his colleagues knew who this man was? If they did, ought they not to give him up to trial? this would put an end to further proceedings. He did not complain of the conduct of the soldiers in general; on the contrary, he understood that their conduct and moderation had been praiseworthy: still, however, he would say, that in cases of as great emergency, the peace of the city had been preserved by the wisdom, firmness, and clemency of an honourable member of that house, the then chief magistrate, and that without calling in the aid of the military. Under all the circumstances of the case, he felt that he was justified in making the motion he had made, and that he could not consistently consent to withdraw it.

Mr. M. A. Taylor stated, that he was coming down Sackville-street when the unfortunate shot was fired. The carriage in which he and a noble friend of his were was stopped by the guards, and directed another way, as, in consequence of the excessive tumult of the populace, it would be necessary to fire. He then got out of the carriage, and proceeded towards an alley, when he heard a pistol discharged, and from the sound of the report, he had no doubt that it had been charged with blank cartridge. Shortly after he heard a shot from a musket, and he thought, from the quarter from which the noise issued, that the shot had been fired from some window in the range of houses opposite, and not from the military then passing (*Hear, hear!*) He was at the entrance of the alley, and on hearing the shot, and observing the direction, he made the best of his way down the alley. (*A laugh.*) He hoped that the man who fired the fatal shot, if any of the military had done so, would surrender himself to justice, as, under all the circumstances of the case, there

could be little doubt that he would be acquitted by a British jury. (*Hear!*)

Captain Agar observed, that a question had been put to the right honourable gentlemen opposite, whether they knew who the man was that fired the unfortunate shot. He said that several other shots had been fired, and he doubted very much if the man himself who fired the unfortunate shot knew that he had fired it. It was also to be observed, that the military did not fire till ordered by the magistrates. (*Hear, hear, hear!*)

The motion was then negatived without a division.

CAPTAIN FOSKETT'S PETITION.

Mr. Lyttleton rose to present a petition from a Mr. Foskett, a captain in the 15th regiment of dragoons, praying relief from the pressure of severe and long continued grievances, suffered by him in consequence of that redress having been deferred and ultimately denied to him, to which, by the articles of war, he felt himself entitled. The person by whom the petitioner alleged himself to be in the first instance, and principally aggrieved, was the colonel of the regiment, his Royal Highness the Duke of Cumberland; and a further allegation was, that the petitioner had been obstructed in his due course of seeking for his remedy against such alledged grievances, and that such obstruction was in direct violation of an article of war, which article left no discretion in the commander-in-chief, but to forward the complaint and lay it before his majesty, taking his majesty's pleasure thereupon, and acting accordingly. Now, with respect to the statement of fact, contained in that petition, he (Mr. Lyttleton) would not assume that statement to be true. He would not say that the commander-in-chief had actually given the refusal complained of. He had, however, felt it his duty to present the petition, and if the house should think proper to receive it (and he was not aware of any opposition to be made to it), he should follow up that motion with such ulterior proceeding as might best suit the general wishes of the house. He should be glad to be enabled to ascertain those wishes, and to act according to them; or if the mode for obtaining the redress sought for, adopted subsequently by him, should not be approved of, he would be willing to acquiesce in any other that might be gene-

rally thought less exceptionable. He then moved that the petition be brought up.

General Craufurd said, that he must positively protest against such a petition being received by that house. He thought it would be establishing a dangerous precedent; they could not be too cautious in interfering with the military government, which was exclusively vested in the crown. With respect to the allegations in the petition, he believed them to be imaginary; one ground of complaint contained in the petition was, that the commander-in-chief had refused—

Mr. Whitbread rose to order, and objected to the gallant officer commenting upon the contents of a paper not before the house.

General Craufurd resumed. He could not comment upon the petition, but he would contend, that the article of war in question did not deprive the commander-in-chief of a discretionary power. He then argued generally against the dangerous consequences resulting from insubordination in the army. If that house was to be thrown open to such complaints; if one officer might petition, why not a regiment? If this petition was received, they would have forty more before the end of the sessions; and then what a ferment, what irregular convulsions, what factious divisions attaching themselves to the different parties in that house would arise and spread through the army; they would have a petitioning army, a parliamentary army, and who could fortel the consequences? He repeated his conviction, that the commander-in-chief had done nothing more than exercise a discretion vested in him, and that that house should be cautious in submitting the military government to the controul of the many-headed monster.

Mr. Whitbread said, that he and many of those sitting near the gallant officer could ease his apprehensions of any alarming consequences resulting from a discussion of the sort. He (Mr. Whitbread) had in 1806 presented a petition from Mr. Cochrane Johnstone, and yet forty more had not been presented that sessions, nor one more. A motion had been made in the course of last session, respecting what was thought the improper promotion of a certain officer, Lord Burgherst, and that motion was not only acceded to, but had such effects that that promotion was revoked; and yet there were not forty other motions

in the same sessions, nor one other motion of a similar tendency. So much for the imaginary fears of the gallant officer. He knew well the necessity of due subordination to the preservation of discipline; but he thought that discipline was in no inconsiderable degree maintained by the power of remonstrance vested in every junior officer against the injustice of his superior. He knew also, that nothing could be more foolish in principle, or mischievous in practice, than the taking the army out of the hands of the crown; but how had the motion before them any such tendency? It was to receive a petition that complained of the course of remonstrance between the officer and the crown having been obstructed. (*Hear!*) It had been stated that the commander-in-chief had a discretion vested in him by law, which discretion he had only exercised in the case before them; but the fact was, that the article of war gave no such discretion. (Here he read it to the house It stated in substance, that the officer aggrieved should prefer his remonstrance to the colonel of the regiment to be by him forwarded to the commander-in-chief, who was thereupon to examine into and report upon the merits of the case to his majesty.) Here the words were "to examine into and report upon"—report upon; not to determine, but to report—according to these words, and none could be plainer, there was no option whatever. Sir David Dundas did not report—he determined. But the gallant officer said that he knew the contents of the petition, and that he believed the grievances alledged therein to be imaginary. Why, really, he thought the sufferer the best judge whether they were so or not. It was he who wore the shoe that could tell where it pinched. Against that opinion of the gallant officer there was opposed his (Mr. Whitbread's), who had read the statement of them, and thought them heart-breaking. He doubted if he himself could have survived them. But it was said that they could be proved to be imaginary—it was to that proof they challenged them.

General Craufurd here interposed, and said, that the epithets he had used were *nugatory*.

Mr. Whitbread in continuation said, that if they were indeed nugatory that would be the best proved by receiving the petition; they could not be warranted in presuming them to be so before they heard them. But did the gallant officer know that Sir David Dundas had of-

fered to Captain Foskett since he had presented his remonstrance, a majority in another regiment? (*Hear!*) Did this look as if the commander-in-chief had conceived the complaint of Mr. Foskett to have been either frivolous or vexatious? (*Hear!*) He thought that an opposite conclusion was to be inferred from that offer. As to putting the army under the controul of the many-headed monster—that that house was a many-headed monster could no doubt be easily proved, but that it assumed any share in the military government by inquiring into abuses whether military or other, was not so clear. He should vote for bringing up the petition, not thinking that it would tend to those irregular convulsions (though, by the way, he had not heard of regular convulsions) of which the gallant officer was so apprehensive.

Mr. Manners Sutton was for the petition being received, and trusted that his gallant friend would be prevailed upon to withdraw his opposition—at the same time he thought that the petitioner might have taken an opportunity of personally presenting his remonstrance to the king; it was also to be considered that the commander-in-chief might have taken his majesty's pleasure upon the propriety of presenting to him that remonstrance.

General Loft, and a member under the gallery, whose name we could not learn, said a few words against receiving the petition.

Mr. Lockhart thought that it appeared that the petitioner did not take all the steps he might have taken in pursuit of his redress before he applied to that house, and he should therefore vote against the motion.

Mr. Lyttleton observed, that in the answer of the military secretary to the letter of the petitioner no ground was stated why the remonstrance was not duly followed up. He should not advert to the ornamental parts of a gallant officer's speech, they had been already so adequately answered. It had been said, that the petitioner should have gone and made his bow at the levee, and presented his remonstrance; that he thought would have been an irregular and disrespectful proceeding. The petitioner had taken a better and more regular course. He could not adopt the explanation that had been given by the judge advocate, nor if he could, did he think that it solved the difficulty. He had not the smallest notion that this motion would have been opposed. He only asked of the house to hear

the petition, and put the case into a proper train. He was not acquainted with Captain Foskett, and when that gentleman applied to him to present his petition, he frankly told him his reluctance, that it was very little his disposition to institute any accusatory measures against a prince of the blood, and more particularly so, on account of the inquiry proceeded in during last sessions, respecting the Duke of York; and also from having observed, that the house were by no means disposed to entertain questions tending to an interference with the military government. (*Hear!*) This, however, was mere matter of feeling, and ought not to be allowed to interfere with a principle of public duty. If that house was to be deterred from the steady performance of its duty, either by the influence of the crown upon the one hand, or popular tumult on the other, it signified very little whether they sat or not—what they did, or what they omitted to do.

Mr. Ryder observed, that when he was judge advocate it was always considered discretionary with the commander-in-chief to lay the memorial of any officer before the king or not.

The petition was then brought up and read. It stated that the petitioner had been thirteen years in the service, and four years a senior captain in the 15th regiment of dragoons; that in consequence of some complaint made against him by his colonel, his Royal Highness the Duke of Cumberland, his promotion was prevented; that he had applied to the commander-in-chief to have his complaint laid before his majesty, but received no answer to his original application—that he had written again, and received for answer, from Colonel Gordon, that it was wholly discretionary with the commander-in-chief to lay the case before his majesty or not. The petition went to state in detail many grievances in the course of his frequent applications for redress.

Mr. Lyttleton then moved, that the petition should be laid upon the table.

General Phipps vindicated the conduct of the commander-in-chief.

Sir Henry Montgomery observed, that the reason why the petitioner was not sent to Spain was, that his troop was the most ineffective in the regiment. It also operated against his claims, that he had been a second in a duel where six shots were fired by the principals.

Mr. Whitbread stated, that the observation of the last speaker merely rested upon assertion, and that there was assertion also in contradiction to it.

Mr. Perceval, although he conceived that the petitioner could obtain no beneficial result, was still of opinion that the petition should be received, subject to ulterior consideration. He wished to impress upon the house, that the promotion of that officer was not impeded, as a majority had been offered to him in another regiment; neither was he supplanted by any junior officer in the same regiment with him.

Mr. W. Smith expressed his opinion that the petition should be received.

Mr. Lyttleton observed, that with respect to the alledged duel, the petitioner had, in his memorial to the commander-in-chief, alluded to that, as one of the aspersions of which he complained. He, as the subject was mentioned, would say, that though the petitioner acted as a friend upon that occasion to one of the parties, he had actively exerted himself to promote a reconciliation. (*Hear, hear!*) It was not his wish to have alluded to the circumstance at all; but, as it was mentioned, he was determined to repel with indignity any attempt to whisper away the character of the officer whose petition he had the honour to present.

SUPPLY.

Upon the motion of the Chancellor of the Exchequer, the house resolved itself into a committee of supply.

Mr. Whitbread expressed his desire that the grants of public money should be deferred to a period when the house was, from a fuller attendance, best able to pronounce its opinion upon them. He wished to have the consideration of the estimates for miscellaneous services, postponed until after the approaching quarter sessions.

Mr Wharton observed, that the first estimates he wished to propose, referred to the sum of 10,000*l.* for the civil roads in Scotland, to which he could not anticipate any objection.

After some observations from Mr. Whitbread and the Speaker, in which the latter stated the attention which the commissioners appointed, one of which he was, for that object, had given the subject. The thing was nearly brought to a close, as all proposition for further aid must be before the commissioners early in June next. He had also to observe, that the money last voted was instanta-

neously paid, and in no instance had any defalcation taken place.

The sum proposed was then voted in the committee.

After some conversation, in which the Speaker took a part, and vindicated the grant as being highly advantageous to the country, there were voted:

For carrying on the works at the Caledonian canal	£50,000
For the deficiency in the sum for printing the journals of last year	713
For printing the 62d volume of the journals	3,500
For printing the bills, votes, &c. for the present session	22,000
For re-printing four volumes of the journals	10,000
For the British Museum	7,000
For completing the buildings for the museum, &c. belonging to the college of surgeons	12,500

The report was ordered to be received on Monday se'nnight.—Adjourned.

HOUSE OF COMMONS.

MONDAY, APRIL 30.

A petition was presented from the lord mayor, aldermen, and justices of the peace of the city of Norwich, against the bill before the house for regulating the price of bread out of the city of London. Ordered to be referred to the committee on the bill.

Sir J. Newport moved for a copy of the patent of Queen Anne regulating the first fruits in Ireland; also, accounts of all sums expended since the union by the commissioners of first fruits.—Ordered.

MESSAGE FROM THE KING.

The Chancellor of the Exchequer brought up a message from his majesty, which was read by the Speaker, and was in substance as follows:

"*George R.*—His majesty finds it necessary to state to the house of commons, that, in consequence of the continued occupation of the territories of the Duke of Brunswick by the French armies, since the unfortunate events which were attended by the lamented death of his illustrious father in 1806, his serene highness the Duke of Brunswick Wolfenbuttel, his majesty's nephew, has, after

a series of gallant, but unavailing efforts, for the recovery of his possessions, been compelled to seek an asylum in his majesty's dominions. His majesty, therefore, recommends it to this house, to consider of the means of enabling him to make some provision for the establishment of his serene highness, during such a time as the state of the Continent may continue to preclude the return of his serene highness to his own dominions; and his majesty relies with confidence on the loyalty and attachment of his faithful commons to make such provision for this purpose as may be suitable to the rank and to the misfortunes of a prince so nearly allied to his majesty's throne, and for whom his majesty's feelings are so strongly interested.

G. R."

On the motion of the Chancellor of the Exchequer, his majesty's most gracious message was ordered to be referred to a committee of the whole house on Thursday.

In a committee of supply, the sum of 400,000*l.* was granted to his majesty, to enable him to make good his engagements with his Sicilian majesty. The report of the committee was ordered to be received the next day.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, MAY 1.

Mr. P. Moore presented a petition from the right honourable Richard Brinsley Sheridan, and others, proprietors of the late theatre in Drury-lane, praying a bill for enabling them to build a new theatre upon the site of the old one, and to raise a sum of money, by subscription, for that purpose. The petition was received, read, and referred to a special committee up stairs.

Sir William Curtis reported from the committee on the new stock market bill, and stated, that a discussion of considerable length having occurred in the committee upon the bill, a division took place, in which the numbers were equal, and the chairman gave his casting voice in favour of the bill. A second division was about to take place upon the preamble of the bill, when a member who had not been present on the discussion, nor voted in the first division, entered the room. Before the division took place, the nature of the question was stated to him, and also the

object of the bill. He voted in the second division, and in consequence of his vote, the numbers were for the question 21, against it 22, whereby the majority of one was against the preamble. The committee had in consequence instructed him to report the circumstance to the house, and take the opinion of the Speaker, whether the vote of the honourable member in question was valid, under all the circumstances.

The Speaker gave his opinion in favour of the vote.

The house in committee to consider the acts relative to policies for insurance from fire, resolved, that it is expedient that all duties now payable upon fire insurance policies in his majesty's West India colonies, do cease and determine; and that, in lieu thereof, there be henceforth paid on every such policy of insurance, to the amount of 100*l.* a duty of 2*s.* 6*d.* and the like sum extra upon every additional hundred.—Ordered to be reported the next day.

SICILIAN SUBSIDY.

Mr. Lushington brought up the report of the committee of supply which sat yesterday, of their resolution for granting to his majesty the sum of 400,000*l.* to make good his engagement with his Sicilian majesty for the present year.

Mr. Lambe opposed the resolution, inasmuch as the grant exceeded by 100,000*l.* the original stipulation with his Sicilian majesty. The proposition for this additional grant, he understood, was founded upon an alledgment that it was rendered necessary by certain other stipulations, not yet finally adjusted: and he thought it a bad precedent to grant so large a sum of the public money upon stipulations that might never take place. He thought, therefore, the house would be deserting its duty in voting away so large a sum of the public money, without having a very strong case made out to prove an urgent necessity for it, or that some serious inconvenience might arise from a delay of the grant until the stipulations were ratified. He wished to know, whether these stipulations involved any thing of a commercial nature. It was well known, that in Sicily there was a very great demand and preference for the manufactures of this country; and yet it was equally notorious that, in the Sicilian market, this country stood not on the footing of the most favoured nations. He understood also, there was a con-

mercial treaty in existence between this country and Sicily, upon which our interests were greatly neglected by the British government. On this point he was not sure whether he correctly stated the fact. He understood also, that the people of Sicily complained that this country, by the invasion of their island, had drawn upon them the hostility of France. A vast expense, too, was incurred to this country in the necessity of detaching so great a portion of our disposable force as 10,000 men, to keep up an army for the defence of that island. Such an expense ought not to be incurred, without some adequate object of advantage, and not merely for enabling the Sicilian government to maintain principles of domination over its subjects, that were very oppressive and obnoxious to the people of that island, and which rendered them highly dissatisfied with their government. Of this fact his majesty's ministers were fully apprized in the dispatches received from the British officers in the island. It was well known the people of that country were anxious for a reform in their government, which they would wish to effect through the means of England, rather than of any other nation; but even through Buonaparte rather than not at all. Experience had proved, that the French with all the insidious designs and rapacious cruelties which designated their character in every country where they obtained a footing, had still the art of persuading the population of those countries, that their object was the popular good, thus inducing numbers to become their partizans. He thought therefore it was the duty as well as the sound policy of his majesty's ministers to use their influence with that government, which they were subsidizing and defending, to adopt such a system of reform as would at once satisfy and attach the people; instead of teaching that government to rely solely upon the defence of British troops, maintained at so great an expense to this country, and which occupied so very important a portion of our disposable force, and required so considerable number of our transports, which were so necessary to other objects of the public service.

The Chancellor of the Exchequer said, he felt equally impressed with the honourable gentleman, that, unhappily, some discontents did prevail amongst a considerable portion of the population of Sicily, as in every other country of Europe where French principles had obtained.

If in this country there were men to be found mad enough to declare that even our free and happy form of government was a system of oppression, and that we had nothing left worth fighting for, was it matter of wonder that the population of Sicily, as well as other countries less free and happy, should be disposed to discontent? But he begged to ask, would it become this country to intermeddle with the forms of government in a country with whose prince we were in alliance, and acting as an auxiliary? It was the object of his majesty's government to maintain the independence of Sicily against Buonaparte; but to intermeddle with the form of government in that island would be, in his conception, to violate the principles of good faith with that prince with whom we were in alliance. With respect to the additional sum of 100,000*l.* now voted, he begged to remind the honourable member that a similar sum was voted in the last session of parliament, although it was not advanced. The grant was thought necessary with a view to render the sum stipulated as effective as possible, without burthening this country with any loss arising from the difference of exchange, which must amount to a very considerable deduction; and as the money was to be advanced by proportionate instalments, and no reasonable doubt could exist of the accedence of the Sicilian government to the stipulations proposed, he thought that any delay in the present grant would only lead to disappoint that government in the early instalments they were taught to expect.

Sir John Newport supported the objection of his honourable friend (Mr. Lambe). He was decidedly against granting the additional 100,000*l.* until the house should be ascertained of the ratification; and as to the scruples of the right honourable gentleman about using influence with the Sicilian government for a reform of oppressive abuses in favour of the people, there was lying on the table an official document from their own ambassador in Spain, and now one of his majesty's cabinet ministers (Marquis Wellesley) to shew that they had not scrupled to interfere with the Spanish junta in matters of internal government; and therefore the pretence now made was directly in opposition to the principles already adopted by ministers themselves. The oppressions of which the Sicilians complained were not of a modern date. They did not originate within the last twenty years, nor within the last

century, but had from time immemorial been seriously felt by that people. They did not result merely from the government, but from certain rights and privileges claimed by individuals and corporate towns; and he could not see the impropriety of ministers recommending to a government in their alliance, such a reform as would attach the people to that government, and ensure their co-operation against the common enemy; and as to the necessity of granting *now* the additional 100,000*l.* he saw no other principle on which to solve the riddle, except that his majesty ministers, pressed as they were, wished to have as much of the public money as possible speedily placed at their disposal, in order that they might prorogue the parliament, and avert the discussion of many important subjects still pending.

General Tarleton observed, that the right honourable gentleman (the Chancellor of the Exchequer) did not state a single reason why the house should agree to this resolution. He had gone into observations neither applicable to the question itself, or to the gentlemen who coincided with him (Gen. Tarleton). He had talked of jacobins, and of something said somewhere, and by some person; but all this was wholly irrelevant to the arguments enforced against this proposed grant. In answer he must tell him, that the best assistance jacobinism, if it existed, could receive, would be from an unnecessary expenditure of the public money. There were numerous reasons why the additional grant should be delayed. In the present state of circumstances it became the paramount duty of the country to husband its resources, in order to be prepared for those trying occasions, which, from the present state of Europe, were likely to arise. Under such an impression, he felt it his duty to move, as an amendment, that the sum of 300,000*l.* be substituted instead of the 400,000*l.* originally proposed.

The house proceeded to a division, when the numbers were—

For the amendment	25
Against it	85
Majority	60

PRIVATELY STEALING BILL.

On the re-admission of strangers, we found Sir S. Romilly moving the order of the day for receiving the

report of the privately stealing bill. The report was then brought up, and the amendments severally agreed to.

On the question that the bill be engrossed,

Mr. Herbert, however reluctant he was to oppose any measure brought forward by the honourable and learned gentleman, felt himself called upon to resist the passing of this, or of the two other bills in progress through the house. The object of these bills was to render offences, capital hitherto, no longer so. As a friend to the old law, he found himself bound to resist such an alteration. Besides, it was not right that it should go forth to the public, that these bills had been passed in that house on the ground that the criminal law was defective. All the arguments of the honourable and learned gentleman, founded upon the numbers that escape punishment, would, he was persuaded, not avail against consideration. If all those who escaped through the unwillingness of parties to prosecute, through their avarice in declining the expense of prosecution, through their inability to defray the expense, through the ingenuity of counsel, or by means of false witnesses, were deducted from the aggregate, it would reduce the number of those that escaped the certainty of punishment very considerably. Besides, it was the uniform principle of the English law, that punishments were not inflicted for the satisfaction of justice, but for the prevention of crimes by the influence of example. The honourable gentleman then proceeded to notice the preambles of the acts of Henry VIII. of Philip and Mary, and of Elizabeth, and contended that he was borne out by these preambles in asserting, that the acts were such as the house was in the habit of passing—such, for instance, as those against white boys, in order to put down any occasional acts of violence. The offences which they had been meant to repress were committed by bodies of banditti, who passed from county to county, often in defiance of the military, and not to be put down by that which, in later times, was considered a panacea for all purposes, the *posse comitatus*. If the punishments in use were not to be retained, where would the learned and honourable gentleman seek for others to be substituted for them? Would he from Russia introduce the knout, which was, according to the evidence of those who had witnessed its infliction, more horrible than death itself? Would he, with Beccaria, recommend perpetual imprisonment? Would he revive

the practice of nailing ears to the pillory? Or would he establish solitary imprisonment—a description of punishment, perhaps, desirable, but which a very large proportion of people in this country were resolved to employ all means to get abolished? Upon the whole, he was not prepared to alter the law of England, under which we had lived so happily, and which preserved the property in this rich and flourishing nation with so small a loss of life. He should therefore oppose these bills in every stage.

Sir John Newport, if he could agree with the honourable gentleman, that the ends of justice would best be promoted by the existing laws, should with him vote against the bill before the house. But he must contend that crimes were more effectually prevented by the certainty than the severity of punishment. The system of criminal law in this country, he contended, was more bloody, and was uniformly so represented in foreign nations. In practice he was ready to admit that the English criminal law was not so bloody: but the practice which thus mitigated its severity was a departure from the principle of the system, and the strongest evidence of the necessity of a reformation. The certainty of a lesser punishment would have more effect in deterring from the commission of crimes, as the honourable member must often have observed in the country to which they both belonged, than the terror of a greater, which might probably never be inflicted. Some years ago an act was passed in Ireland to make it felony and death to cut down a tree by day or by night. A gentleman of the highest worth and public spirit, who was in the habit of planting much, and was attached to his plantations, persuaded himself, that in the event of detecting any person destroying his trees, he could have resolution enough to put the act in force. An occasion soon occurred, and he who had the honour of that gentleman's acquaintance, was well aware of all the anxiety he suffered as the period of the assizes approached. Up to the first day of that assizes, however, he appeared to have retained his resolution, but there his fortitude failed him; he declared it impossible for him to put the bloody law in force, and could not reconcile it to any notion of justice to get a fellow-creature hanged for cutting down a tree. If a person of his rank and enlightened mind could shrink from putting so severe a law in force, how much more likely were persons of humbler

sank to decline to prosecute? Offenders would always calculate not only on the chance of their escape, but upon the common feelings of mankind, which would probably prevent parties from taking away the life of a fellows creature by a prosecution for so disproportionate an offence. All writers were agreed upon the point, that the certainty, not the severity of punishment, was most likely to deter from the commission of crimes. If, as the honourable gentleman had said, the laws when too severe were not put in force, because individuals then declined to prosecute, was not that a reason why such laws should be modified in order that they might no longer remain a dead letter? The leaning of juries to the side of mercy, was another argument for the alteration, because the mitigation of the excessive severity of the laws was in such cases produced sometimes by what should be deprecated by every legislature—perjury, however it may be sanctified by the motive. The honourable gentleman had asked triumphantly what punishments were to be resorted to? but if he had read the bill, he would have been enabled to answer that question by all that appeared on the face of the bill. He would have seen the discretion to be given to the judges to change transportation for solitary confinement. However solitary confinement might appear worse than death to a person who could be guilty of premeditated crimes, it would have a good effect on the interests of society. The individual would not be lost to the community; he would come forth from confinement a better man than he entered it; and, as in the case of hanging or transportation, the effect of the examples of punishment would not be lost to the public. He should most heartily, therefore, support the motion of his honourable and learned friend, who, he trusted, would not be diverted by any interruptions from the career of humanity he was pursuing.

Mr. D. Giddy begged leave to submit to the house the few observations that occurred to him on this subject. If he felt any difficulty upon the measures then in progress through the house, it would arise from considering a part of that general system which had been alluded to by the honourable baronet, and characterized as a career of humanity. He was not friendly to any great or violent changes. It had always been his practice in that house, to steer a middle course between the conflicting opinions respecting public measures. That course he was aware was

not the way to effect any thing brilliant, either in that house or out of it; but then he was inclined to prefer what was useful to what was splendid. In the pages of the honourable and learned member, he found it stated, that to the discretion proposed to be allowed to judges, nature had assigned one limit. For his own part, if they could be sure that juries would be competent to sift and ascertain all the circumstances of each case that might be brought before them, so as to be enabled to decide according to its real merits, he should feel no objection at leaving juries in possession of full discretion. But when it should be considered from what description of persons juries were usually chosen, it must be obvious that they would be as liable as any other body to fall into error. In stating what he felt upon this point, he did not wish to shelter himself from any construction which might be put upon his use of any particular expression. He was not afraid to add, therefore, that in his view of the subject a certain degree of arbitrary discretion appeared necessary, absolutely essential, in all administrations of justice. In admitting this, however, he must also state, that this arbitrary discretion should not be unlimited. If all the difficulties on this head could be ascertained, then the house could attain the perfection of human jurisprudence; and if such perfection was desirable, it must be obvious that approximations to it must also be desirable. He thought that in some instances this discretion was carried too far. If it were admitted as a principle, that in the case of crimes of difficult detection, the quantity of punishment or the deterring sanction should be greater, it would follow, that in crimes of easier detection the quantity of punishment should be less. It was not his intention to go into any of the more heinous offences to apply this principle, but confine himself to the more ordinary offences. Sheep-stealing he thought very properly punished with death; because, considering the manner in which sheep were fed upon extensive downs, the exposure to depredation, and the difficulty of detection, such a severe sanction was necessary to preserving the vast quantity of wholesome food and warm raiment for human use. It was his opinion, too, that all circumstances of aggravation or mitigation should be attended to in the apportioning the punishment; such, for instance, as the case of actually forcing the door, or striking the

blow, circumstances at present attended to in proclamations. Such circumstances would unquestionably have effect in deterring from the commission of crimes under such aggravated circumstances. The necessity of allowing a discretion in these cases, flowed from the imperfection of the human powers of judgment. But whether the discretion was to be given to the judge or the jury, as far as he could form an opinion, he thought it should be left to the judge. When the house considered the manner in which the judges, not alone of the present day, but for many years back, were selected from a description of persons against whom no reflection could lie, he was persuaded that it would be evident the discretion could no where be better placed. He would much rather see it lodged in their hands than with juries, unless it could be made subject to definite rules, and juries should be found enlightened enough to discern and decide upon the actual merits, upon a comprehensive view of all the circumstances of each case. But, though a friend to discretion under the qualifications he had stated, he should never accede to the establishment of unlimited discretion in any quarter. He should here enter his protest against the general principle of any extensive alteration, at the same time reserving to himself the right of agreeing to such parts of the measures of the honourable and learned member in which he could, consistently with his views and principles, concur. He was convinced that any reformation to be beneficial must be made in the details; and whilst he entertained that opinion, he must at all times oppose any large or extensive steps towards an object which, in his view, was only to be gradually attained. Though he respected and admired the laws of England, he should never suffer his veneration for them to induce him to resist any measure which might be brought forward for their actual improvement.

Mr. Windham conceived the present to be a question if, where guilt was found, execution of the sentence annexed must follow as the necessary consequence. This it was impossible ever to lay down. Such a doctrine would require certain and precise rules of proceeding, which it would be impossible to lay down as applicable to every particular case. He proceeded to notice the different arguments in the publication of Sir S. Romilly on this subject, from the greater part of which he expressed his

dissent. He denied that a man was ever punished because he had been guilty of another crime, different from that on account of which he was tried; or that, in the language of his honourable and learned friend's pamphlet, the person so condemned suffered not for the crime of which he was found guilty, but for another of which he laboured only under the suspicion. It was an old and a true saying, that the last feather broke the horse's back, but he presumed, it would hardly be said that a feather would break a horse's back, if there was no pre-existing weight imposed on him. In this view did he regard the argument now used by his honourable and learned friend. He conceived that laws were originally made, not so much for the punishment, as for the prevention of crime. Intimidation, he maintained, was the best method of effecting this. His honourable and learned friend seemed to argue that no sentence ought to be passed which should not be executed. But was it possible to lay down such a rule? It was impossible to judge of any case till it actually occurred; but to apply the argument of his honourable and learned friend, it would be necessary to look to cases known and unknown. It was possible to distinguish things obviously different in themselves, but it was impossible unconditionally to provide for different degrees of the same species of offence. The right honourable gentleman proceeded to allude to a bill, which he understood was once more to come before them, for preventing cruelty to animals, on which no two men could have the same feeling for any considerable period of time, and on which no one man could think alike for half an hour together. He could not help looking with an eye of jealousy on all such visionary schemes, which had humanity and justice for their ostensible causes. What had we witnessed within the last twenty years? Had not the French revolution begun with the abolition of capital punishments in every case; but not till they had sacrificed their sovereign, whom they had thus made the grand finale to this species of punishment. When he looked, however, to the millions who had since fallen in the course of the revolution, he could not but regard all schemes of the kind with an eye of jealousy. He asked, therefore, if such a system as this was, without consideration of any kind, to be put up against that of Mr. Paley?

The Master of the Rolls said, that it was a principle

which was agreed to on all hands, that the prevention of crimes was the object of punishment; and the question only was, whether the plan proposed by his honourable and learned friend (Sir S. Romilly) would not be, in all probability, more efficacious for the attainment of that object than the system of criminal laws which now exists. If it were only equally efficacious with the existing system, every body must prefer it, as producing the same effect by means less severe; but it appeared to him that it would not only be as efficacious, but probably more so. It was evident, that either the law or the practice must be wrong, and whichsoever was wrong ought to be remedied. Now the practice of not inflicting the punishment denounced by the law, came every day before the observation of the public, and under the inspection of parliament, and yet no fault had been found with it. There was no disposition to censure the judges, or his majesty's advisers, for not putting the law in execution. It therefore did appear to him to be most clear that in the public opinion the laws appeared too severe in their punishments. It was wrong, in any country, that the laws should be in direct opposition to public opinion; but it would be particularly improper in this country, where offences are tried by a jury, and where laws contrary to the general opinion were not likely to be well executed. There in fact appeared to be a universal confederacy in this country against the criminal law as it now stands. In the first place the juries, notwithstanding the paucity of executions, still were unwilling to trust the lives of the prisoners to the discretion of the judge, but took hold of every possible circumstance to acquit them of the capital part of the charge. Next came the judges; and lastly his majesty's advisers, who were all anxious to spare the lives of those who had been capitally convicted. It therefore appeared to be generally agreed by all men, that the punishment of death was much too severe for the generality of offences against which it was denounced. If intimidation would absolutely prevent crime, the punishment of death might be held out for the most trifling offences; but it was well known that the terror even of death would not altogether prevent the commission of crimes. Juries were now in a manner forced by the severity of the law to take upon themselves a discretion which the law never intended to give them. Even the sanctity of their oath was sometimes obliged to yield to

the feelings of nature, and they were guilty of what had been sometimes called a *pious perjury*, to acquit a prisoner. The fault was in the law as it now stood; for every law must be faulty which acts so decidedly against the feelings of the whole country. He did not mean to say that the law should in every case be carried into strict execution, nor would he wish that his majesty should be deprived of the power of granting pardons. He thought, however, that pardons should be only exceptions to the general rule, and that it was by no means right that the general administration of the criminal law of the country should be founded on the king's pardon, whether his majesty was advised by his judges or his other advisers. He never could conceive how he could agree to passing any law unless it were his intention that it should be generally executed. It had been urged, that in the plan proposed by his honourable and learned friend (Sir S. Romilly) there was a considerable degree of discretion given. It was true that there necessarily was a considerable degree of discretion, but then it was a discretion of a very different nature. It was not a discretion going to life or death, but merely of proportioning the gradations of a certain sort of punishment to the gradations of crimes. In capital punishments there was no possible gradation; and he thought it too much generally to leave the life or death of persons convicted to the mere discretion of the judge. It was this which induced juries so often to acquit prisoners when there could be hardly any doubt of their guilt. If, however, a milder system should be introduced, there would be no longer so much repugnance to prosecuting offenders, or so much disinclination to convict them. He therefore approved of the principle of the bill of his honourable and learned friend, and thought that an experiment of that sort might very safely be tried. He thought that it was better calculated than the present system for preventing crimes, by rendering the punishment more certain. He therefore should support the bill.

The Attorney General, confining himself to the particular bills before the house, maintained that, as far as his experience went, parties were not by the existing law restrained from prosecuting, nor juries from finding the fact. He argued that the law was already armed with all the power given by this bill, and so far executed. Though felons of this description were often exempted from death,

they were still transported, imprisoned, &c. Then the law, as it stood, had all the power of punishment and prevention given by the bills, and the power of death in addition. He argued that the possibility of inflicting death did operate as a prevention; though he, and others who thought with him, laboured under a disadvantage from not being able to produce instances, because what was prevented was never seen. He maintained that these cases were often attended with circumstances which rendered extremely proper the power of inflicting the punishment of death; and he illustrated this by cases which he had seen on the circuit in the early part of his life, where the dwellings of poor cottagers had been plundered while they were at their labour. The situation was different in originating a law entirely from that of proposing a new one, with a repeal of an old law on the same point; unless experience proved the old to be pernicious it ought not to be altered on mere theory. He denied that experience had proved the existing law to be pernicious or inefficacious. The judges who must be best acquainted with its practical effect, had not been consulted, or at least they had not given their sanction to the proposed change. Conceiving that no particular good would result from this change he was adverse to the bills.

Mr. Morris maintained, that it was notorious that parties were often prevented from prosecuting, and witnesses from coming forward, by the severity of the existing law, and that juries were often obliged to have recourse to a pious perjury, as it had been called. It was unnecessary for him to state the importance of not relaxing the obligation of an oath; he was for leaving this amiable weakness of pious perjury, or whatever it might be termed, to the circulating libraries, and for keeping it out of the courts of law. These bills were brought forward as a remedy against existing evil—an evil which every one in the habit of attending on criminal courts must know to exist. The discretion as to the infliction of death the judges would, he believed, very readily dispense with. It was one which they felt the most painful anxiety in exercising.

Colonel Frankland was aware that the duty might be painful, yet no magistrate of any description had come forward to pray for relief from this discretion, which he agreed they would be very glad to get rid off, if it could be done consistently with the public good. He argued

against the idea of the right honourable gentleman (the Master of the Rolls), respecting a discretion, *ejusdem generis*; and contended, that it signified nothing whether the cases to which the discretion was to reach, had any analogy or not. There was a discretion of punishing desertion with death in the military code, and yet hardly one out of 100,000 deserters was put to death. He argued, that the penal laws of England were necessarily more severe than those of other countries, because the controul and suspicious watching of private actions was less rigid. Such a system of suspicion was utterly inconsistent with the feelings and liberties of the people of this country, and therefore the penal law must be more severe. In other countries the armed man was every where, and he himself had seen him among a crowd of young people at a ball, and interfering to tell one of the dancers that he must not turn his partner that way. Our code had grown out of the commercial system. Forgery was but a larceny, but the security of property made it necessary to punish it with death. He deprecated these alterations of the law, as attended with the worst effects. This he said generally. There might be exceptions.

Mr. Wilberforce observed, that the greater part if not the whole of the argument used by the gentleman on the other side, would apply more correctly to any measure for the establishment of a totally new system of police than to the bill under consideration. But even supposing this bill involved a proposition for the diminution of capital punishments generally, could gentlemen put the test of that experience, upon which they professed so much to ground, against the propriety of such a proposition. How did experience argue upon this question? Why, that the infliction of capital punishments had become comparatively infrequent and unnecessary. In the reign of Henry VIII. the number of capital punishments was at the rate of 2,000 per annum; in the time of Elizabeth it fell to 400; and he understood that of late years, since the Revolution, a very small proportion of those who were sentenced ever suffered death. From this he inferred that such a punishment had been found in great part unnecessary; and why then should the power of inflicting it be allowed to remain in so great a proportion of our penal laws subject to the discretion of the judges, and subject also to all the inconveniences which had been already

stated with regard to prosecutors, juries, and witnesses, and the frequent impunity of guilt in consequence of the excessive severity of punishment? As to the measure before the house, the plain question was, whether the offence described was of that nature to which the punishment of death ought to apply? And he was fully prepared upon the fullest deliberation to decide in the negative. Out of 1,000 sentenced only one being executed, it was clear that the law was unnecessary, and that the exception was the rule, while the rule was the exception. Instead of severe punishments, which had no effect in preventing the repetition of crimes, or promoting the amendment of criminals, he would strongly recommend the general establishment of the penitentiary system—not only with respect to this case, but to many others; he could not help considering the severity of our penal code as inconsistent with justice and humanity, as a disgrace to the character of the country. So much indeed was his right honourable friend, now no more, (Mr. Pitt) persuaded of the rectitude of this opinion, that to his knowledge that distinguished person had it in contemplation to commit the whole of our penal code to the revision of some able lawyers, for the purpose of digesting a plan to lessen the sanguinary nature of its punishments, and the knowledge of this circumstance ought to have considerable weight with those who respected the opinion of that great man. To the able and eminent lawyer who had undertaken this revision, and who had brought forward the bill under discussion, he for one would declare, as he felt, the most unfeigned thanks, and he could not avoid adding the expression of his regret, that his honourable and learned friend was not in his benevolent undertakings more adequately supported.

The Solicitor General seconded the recommendation of his honourable friend who had just sat down for the general establishment of penitentiaries, having known the beneficial effects of that system from his own experience. It was indeed notorious, that the consequence of ordinary imprisonment of the hulks and of transportation, was to confirm, or rather to aggravate the habits of bad men. It was, therefore, necessary to devise other means, at least for the amendment of offenders, so as to fit them for restoration to society, and he knew of nothing better than that prescribed by the act of the 19th of his present majesty, for the establishment of penitentiaries. The learned gentle-

man denied, from his own experience, that the fear of the punishment of death had the effect ascribed to it upon the minds of prosecutors, witnesses, and juries, and he believed no practical man could say so; or that that fear had no effect upon criminals. Indeed it would seem very strange that the fear of death should be operative upon the mind of prosecutors, witnesses, and juries, while it should be wholly unoperative upon the mind of the offender, who was alone to be subject to the punishment. As to the idea of impunity to offenders resulting from the operation of this fear, he was quite astonished at the assertion. For it was well known that prosecutors could, if they pleased, leave out the capital part of the charge in their indictment; and the juries being so apt, as it was said, to reduce the value of the goods stolen, in order to evade the capital punishment, how could it be said that the law, as it stood, afforded any facility to the escape of guilt, as even the evasion of the capital punishment could not secure impunity to the criminal? Upon the whole he felt it to be his duty to oppose the motion, conceiving the law, as it stood, to be necessary for the protection of an Englishman's house, which was proverbially his castle. (*A cry of hear, hear! from some gentlemen on the opposition side.*) Yes, said the learned gentleman, I would have an Englishman's habitation protected from being the refuge of a criminal, as well as from being the object of a criminal's attack. (*Some cheers on the ministerial benches.*) After some panegyric upon the general system of our penal laws, the learned gentleman concluded with observing upon the impropriety of abridging the discretion of the judges, or introducing any innovation where no practical mischief was found to result from the existing establishment.

Mr. Canning wished not to be misunderstood in the vote he meant to give upon this question. He would vote for the motion before the house, where he subscribed to much of the general reasoning adduced by its opponents, and protested to the greater part of that ascribed to the learned mover, upon his opening, which he did not happen to have heard. The right honourable gentleman exposed the fallacy of the argument used by his learned friend who spoke last, with regard to the operation of the fears of the punishment of death upon the mind of prosecutors and juries compared to that upon the minds of offenders; for

the distinction was clear between the feelings of a well regulated mind, and those which must be supposed to belong to hardened sinners. The one might be very unwilling to inflict that which the other might be comparatively indifferent about suffering. As to the means which his learned friend described as still in the power of prosecutors to protect offenders from capital punishment, he confessed that he could not reconcile the use of these means, with the conception which he had of the obligation to which prosecutors, as all other witnesses, were subject to tell "the whole truth." But he did not wish to leave the life of man to such discretions, or to subject offences to a greater degree of punishment than they deserved, which was fairly the case before the house. He begged to protest against the charge of innovation as applied to this case. For himself he thought he might say, that no such imputation could apply to him. But, in fact, it could not at all apply to the motion. It might as well be said, that the act this motion proposed to repeal was, upon its original enactment, an innovation. Probably it was then a great innovation, which a change of circumstances had now rendered it quite unnecessary any longer to continue. He could not, therefore, allow such a cry to influence his judgment.

The Chancellor of the Exchequer did not agree in the justness of the criticism passed upon the speech of his learned friend (the Solicitor General), by his right honourable friend who spoke last, in the proposition put by the last speaker. He argued from the case of the hardened offender against the scruples of an humane juror; but it was not the hardened offender they wanted to deter, but those who had not, perhaps, been guilty of any offence. He denied that the opinions of legal men were poised upon the practical good consequences of the law as it now stood. He rather thought that the authority of legal men was on one side, and that side the law, as it was, and not as it would be innovated upon. It had been said, that juries were deterred from bringing in verdicts of conviction, but how many were deterred from the commission of the offence? Prosecutors who abandoned the capital part of any charge which they could substantiate, might be backward in promulgating such proofs of their own humanity. But what records could they expect to have of the numbers who had been deterred from the commission of crime by the dread

of death; these persons were not likely to confess that they would have been dishonest but for the law. The proposed change was founded upon theory, which, however plausible, ought not to be allowed to bear down the opposing testimony of long established practice.

Sir Samuel Romilly said, in the very brief reply which he should feel it his duty to make, he would confine himself merely to the bill which he had proposed. He was much surprized at the extravagant notions which had been attributed to him; one gentleman thought he wanted to introduce a French police; another that he was about to originate a French revolution, and actually appealed to his humanity as to the millions he might sacrifice. Now, really, his only object was one very foreign to either of those, namely, the prevention of a crime which had of late years much increased, from an ill judged system. The very case which the Chancellor of the Exchequer had quoted as aggravated, and as likely to be rescued from punishment by this bill, was one of all others which this bill went particularly to prevent, that of stealing in a dwelling-house. As the law now stood, the punishment was capital; and the very idea of that would be sufficient to deter prosecution, for no master could find it in his heart to cause the death of the person with whose face he had been familiar in private life, and whom he had employed in every domestic office—the consequence was no prosecution at all took place, and the offenders escaped. Now his bill went, by proposing a more lenient punishment, to produce a more certain prosecution, and thereby more effectually to prevent the repetition of the offence. He denied that he had ever refused all discretion to the judges, but confessed that he wished to limit that discretion as much as possible, by endeavouring to reduce the law to as much certainty as he could. An honourable gentleman, very fond of quoting Dr. Paley against him, had ridiculed the idea of the certainty of punishment being much more efficacious than its severity: it was unfortunate, however, for him that his great favourite, his light of the sun, Paley, was in direct contradiction to him in the present instance. He was not very anxious now to trepass at any length upon the house, as his opinions were already so much at length before the public. He could not help, however, alluding to the bold assertion which had been made, that all the judges were di-

rectly against his bill. The fact was, he had made communications to them all, and had not received an unfavourable answer from one of them; their constant practice was indeed directly in his favour. There was no office of the judge more solemn, nor any judgment of the law more awful than passing the sentence of death; and yet its frequency, and the few cases in which it was fulfilled, now rendered it almost absolutely null—the wretched criminal himself remained unpitied, from the uncertainty of his fate, and was often hurried to eternity unprepared, from the false and cruel hope with which that uncertainty had inspired him.

The house then divided:

Ayes - - 31—Noes - - 33

The bill was of course lost.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MAY, 2.

CRUELTY TO ANIMALS.

Lord Erskine gave notice, that he should move the second reading of his bill for preventing malicious and wanton cruelty to animals on Monday, for which day the Lords were ordered to be summoned.

THE DUKE OF BRUNSWICK.

The Earl of Liverpool presented a message from his majesty, relative to the Duke of Brunswick, (the same as that presented to the commons on Monday), and moved that it be taken into consideration the next day, and that the lords be summoned.—Ordered.

In answer to a question from Lord Holland, across the table, the Earl of Liverpool stated, that it was merely intended to move an address of general concurrence, without at present pledging the house to any particular measure.

REVERSION BILL.

Earl Grosvenor gave notice that he should move the second reading of the reversion bill on Friday, for which day the lords were ordered to be summoned.

Lord Holland wished that ministers would state what their course of proceeding was intended to be with reference to the point started on the discussion of the former

bill, relative to the necessity of having his majesty's consent in some stage of the bill.

The Earl of Liverpool stated, that he had not received his majesty's commands to make any communication relative to the bill.

Lord Viscount Sidmouth adverted to what he had said on the discussion of the former bill, and observed, that he had not then heard any doubt suggested as to the necessity of having his majesty's consent in some stage of it; and if he now heard no doubt suggested upon that point, he should assume it to be admitted that his majesty's consent was necessary in some stage of the present bill. In that case he thought it would be most expedient for ministers to advise his majesty to give his consent in an early stage of the bill. He did not at the same time mean to contend that the want of his majesty's consent ought to prevent the discussion of the bill.

The Earl of Rosslyn expressed his satisfaction in the understanding, that the discussion of the bill ought not to be prevented by the want of his majesty's consent.

The Earl of Liverpool said, that whatever might be the opinion of noble lords, with reference to his majesty's consent being necessary, or to the propriety of giving that consent in an early stage of the bill, he was persuaded that the want of his majesty's consent ought not to be pleaded in bar to the free discussion of the bill.

Earl Grosvenor did not think his majesty's consent necessary, and it should be recollected that if it was to be held that his majesty's consent was necessary before they could proceed in a particular stage of a bill, the house would in a great degree surrender their own privileges. He thought, however, from what had been stated by the noble secretary of state, that ministers would advise his majesty to send down a message expressive of his majesty's consent.

The Earl of Liverpool observed, that from the acts of government, it would be seen what advice himself and his colleagues had given to his majesty, but he begged that noble lords would not draw an inference where there was no act to authorize it.

Lord Holland observed, that the noble lord need not be afraid of an inference, as the conduct of his majesty's ministers was so unaccountable, that it was quite impossible to draw an inference from it.—Adjourned.

HOUSE OF COMMONS,

WEDNESDAY, MAY 2.

MIDDLESEX PETITION.

Mr. Byng presented a petition from the freeholders of the county of Middlesex, agreed to at their last meeting, for taking into consideration the late votes of the house of commons in the case of Sir F. Burdett, and the new and extraordinary proceedings had thereupon.

The petition being brought up was read at the table.

To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled:

"The petition of the freeholders of Middlesex agreed to in full county, this 26th day of April, 1810.

"Sheweth, That we have observed with concern that in the cases of Mr. John Gale Jones and Sir Francis Burdett, Baronet, your house assumed and exercised a power unknown to the law, and unwarranted by the constitution.

"Your Speaker's warrant has been executed by military force—an Englishman's house, his sanctuary, has been violated, and the blood of unoffending citizens has been shed in the streets.

"Against the existence as well as the exercise of this power were solemnly protest—a protest the more necessary, because your votes in its support are entered on your journals—not so the letter of Sir Francis Burdett to your Speaker, denying you such jurisdiction.

"In the early part of this reign, in the case of Mr. Wilkes, the rights of this county and of the nation were repeatedly and grossly violated by the house of commons. At length the law triumphed. After a struggle of nearly twenty years the house abandoned the pretensions they had arrogated, and 'expunged' from their journals 'all their declarations, orders, and resolutions, as being subversive of the rights of the whole body of electors of this kingdom.'

"You have during your pleasure deprived the citizens of Westminster of their share in the representation, and the public at large of the exertions of a faithful servant, in whose ability, firmness, and integrity they pre-eminently confide.

"We view with jealousy and suspicion the shutting up Sir Francis Burdett in prison, when the attention of

the nation is directed with anxiety to his intended motion for a reform in the representation of the people in your honourable house, that house in which the traffic in seats has been avowed in the case of Mr. Perceval and Lord Castlereagh, 'to be as notorious as the sun at noon day;' a practice 'at the mention of which,' in the emphatic language of your Speaker, 'our ancestors would have startled with indignation.'

"We therefore pray you to follow the example of your predecessors, to 'expunge all your declarations, orders, and resolutions on the subject, as tending to the subversion of our liberties,' and to the introduction of a military despotism, and to recall Sir Francis Burdett to the service of the country in parliament, that he may there enforce that plan of reform which last session he so powerfully recommended, and which in our opinion is absolutely necessary for the stability and honour of the throne, and the safety and well-being of the people.

"Signed in the name and behalf of this meeting by
&c. &c. &c."

Mr. Byng then moved that the said petition do lie on the table.

Mr. Mellish thought it incumbent on him to second this motion, though he should not think it his duty to support the petition any farther.

The Chancellor of the Exchequer moved, that the petition be again read, which being accordingly done, the right honourable gentleman rose and stated, that when a petition on the same subject was some days ago presented from the electors of Westminster, many gentlemen had expressed an opinion, that, from the disrespectful way in which the petition was worded, it ought not to be received. He had then urged on the house the propriety of following a different course, and of allowing the petition, though by no means unexceptionable in its language, to lie on the table. In the conduct he had then pursued, he conceived that he had given a proof of his forbearance, which ought to convince the house that he would not object to the present motion, were he not persuaded that the language of the petition now under consideration was infinitely more exceptionable than that then objected to; indeed, that it was such as could hardly leave a doubt in the mind of any one that it was the wish of those who used it to insult the house. He was not one of those who

would ask of the house, when a petition was presented to them desiring parliamentary reform, or any other object which a particular class of men might think it essential for them to obtain, or when they were called on to review any proceedings which they had adopted, to look at the language in which it was conceived with a captious view. On the contrary, if it were possible to conceive that the house was not meant to be insulted, he would be the last to call upon them to reject any such petition. But he would only ask of gentlemen to take a dry view of the words of this petition, and then to say, if it could have been dictated by any other spirit than this, that marking the great forbearance of the house on the former occasion, the present petitioners were now anxious to try how far they might go; and that the petition was not intended for any other purpose than to insult. It told them that they had assumed and exercised a power which was contrary to the constitution, and against which they protested. This left no possible ambiguity as to their meaning, or, as if it was only to the mode of executing the warrant that they objected. This was not the language of submission, but telling the house, on the authority of the petitioners themselves, that they (the house) had acted contrary to the constitution. Was this like the language of persons coming to that house to petition? No, it was the language of persons who thought themselves entitled to dictate to the house, and on their own authority to declare that the house had been guilty of an assumption of power which did not belong to them. In the petition presented from the inhabitants of Westminster, to which many gentlemen objected, there was nothing like this. It could be meant for nothing but to insult the house. It was, therefore, the duty of the house to stop short, before it permitted insult to be added to insult. There must be a line drawn for such petitions, so that every idea of decency was not suffered to be outraged; and he submitted there could not be a question that the present petition had passed this line.

Mr. Alderman Combe, though he did not defend the language of the petition, wished it to be received, because it was impossible to see, if the petition were rejected, where the matter might end. The meeting, from whom the petion was presented, had been nearly unanimous, and the rejection of the present petition was not likely to produce language more moderate.

Mr. Calcraft, in voting that the petition should be received, begged to be understood as grounding his opinion not on the circumstance of the meeting having been unanimous, or that there was little probability, were the present petition rejected, of a petition of a more moderate nature being presented. He was of opinion, that the meeting having been unanimous afforded no reason for the house receiving a petition couched in unbecoming language. On looking at the words of this petition, he did not find in them any thing so objectionable as to induce him on that account to say that the petition must be rejected. He agreed it would have been better that the objectionable paragraph had been omitted: but still it was the duty of parliament to open wide its doors to petitions. When gentlemen considered the way in which the representation in that house was in too many instances brought about, they must not be surprized that words were used that they did not like; and if steps were not taken to render the system better and more seemly, they must not be surprized if the complaints became louder and more frequent. The petition had a proper prayer, and as the request they made was one which it was competent for any petitioners to make to that house, he was of opinion they should not quarrel about the words. The words were undoubtedly not agreeable, but still, if they contained a truism, were they on that account not to be tolerated? Was it a libel on that house, after what had lately passed there, that seats in it were bought and sold? And should that be called a libel which was a truism? As long as the house suffered the practice to prevail, they must submit to pocket the insult of being told that it existed. It was impossible, so long as this system existed, that persons applying to that house, could address it with all the respect it might otherwise reasonably expect and would obtain.

Mr. Davis Giddy did not intend when he came into the house to have said a word on this subject. He agreed that the doors of the house ought to be opened widely to receive the petitions of all who chose to apply to them in a regular and proper manner. All the argument on this head, however, must fall to the ground, the moment it appeared that any application of the kind was not really a petition, but a paper by which it was sought, in a covert manner, to insult the house. The petitioners, in this case,

had dressed up as a petition a paper, not by which they expected any redress of grievances, but by which they presumed to dictate to the house what they chose to think right. As to any reform, or rather to an alteration in the constitution of that house, a representation to a delegation, he had no hesitation in declaring his opinion that it would not tend to the advantage of the people. He objected, therefore, to gentlemen taking that for granted which had not been proved, and was not conceded to them. As to the words of the petition, they were disrespectful in the highest degree. It did not contain such a prayer as the petitioners could, by possibility, expect to be granted; and to allow it to lie on the table would only lead to the presenting of others still more offensive. The house must make a stand against such a practice at some time or other, and it was better to do so now than at any after period. It had been said to be a respectable meeting, but gentlemen saw enough of what was to be expected from such meetings in the neighbourhood of populous towns, and the spirit of this meeting might be judged of from their refusing to hear a gentleman of the highest respectability, a member of that house (Mr. Mellish), on his attempting to deliver his sentiments on the subject. This circumstance did not add much to the argument derived from the unanimity of the meeting.

Mr. Hawkins Browne thought the words of the petition shewed that it was not the object of the petition to procure the liberation of Sir Francis Burdett, a reform in parliament, or any other specific object. The petition was only made the vehicle of conveying a gross insult to the house, and a dogmatical denial of its privileges. The petition from Westminster was capable of receiving a more favourable interpretation. The present was not. It was becoming in that house to be moderate, but when moderation produced only insult, then it became the house to assert its dignity. He thought the house might on a former occasion have adopted the more moderate course; but now it was necessary for them to support their proceedings.

Mr. Hibbert said, that the moment was of critical importance, on which he strongly felt he must speak. The petitioners were not, like the majority of that house, convinced of the constitutional authority of its privileges. They, on the contrary, denied that authority, and more par-

ticularly questioned the legality of those acts in which it had recently been asserted. Allowance was to be made for men warm with such a subject—but he should be sorry if the warmth which might have found its way into some expressions of their petition should be caught by the house in commenting upon those expressions. The passage which had been so much objected to, would be found at last to be no more than the most brief, abrupt, and somewhat coarse declaration of the opinion of the petitioners, which they must either have indulged, or have no ground for petitioning at all. There was another consideration, and he begged to address it to the feelings of the house. This question of privilege of parliament was, it seemed, one which could not be easily submitted to any other tribunal than that of parliament itself. In proportion then, as the subjects of the realm found the means of its legal discussion narrowed, in that proportion should parliament open the doors to any appeal made to itself upon the subject, and not too scrupulously weigh the terms in which such an appeal was made. For these reasons he should vote for receiving the petition.

Mr. Barham wished, as the present was a question of very great importance, that time should be given for consideration, and that there should be a fuller attendance of the house than there was at that moment. If such a discussion had been expected, he was satisfied the attendance would have been fuller. He should therefore move that the debate be adjourned till the next day If pressed for an immediate opinion, he must say that he was against receiving the petition. An honourable alderman was against refusing the petition from not knowing where the matter would end. He thought the present petition, instead of being worded carelessly, was worded most carefully; and receiving it would only bring on another more aggravated than the present. Wherever the house did feel itself called on to stop, if it did not adopt that course at present, it would be with something worse than the petition now under consideration. He thought, however, that a decision would be come to with more effect and weight when there was a fuller attendance, and greater leisure had been given for deliberation. He also thought that the rejection of the petition ought to be followed up with some resolutions expressive of the grounds on which the house had proceeded. He concluded by moving that the debate be adjourned till the next day.

Mr. Grenfell seconded the motion of adjournment.

Mr. H. Sumner conceived the paper now under consideration had nothing in it of a petition but the name. Such a practice ought to be checked *in limine*; and he saw no occasion for delaying till the next day what they ought to do that day. A worthy alderman (Combe) was afraid of the consequences of refusing such petitions. For his own part he had no fear of the kind.

Mr. Lambe was of opinion the house had already gone too far to talk of stopping *in limine*. They had already received a petition which was at least sufficiently strong. He could not in his own mind conceive any thing stronger than the petition by the inhabitants of Westminster, who had told the house that they had offered by their proceedings a gross indignity to them. He thought the house had better agree to the proposition of his honourable friend (Mr. Barham), that they might deliberately consider how far they would allow that power to be stanched, which certain persons had instilled into the minds of the misguided people they had a right to carry to any length, by filling them with wild and absurd ideas of their rights. Though he was a friend to petitioning, this was a period at which he was inclined to think it ought to be viewed with more than usual strictness. There was a disposition to deny that the house, as it was at present constituted, afforded a legal representation of the people. Against such a doctrine he protested, and contended that it was equal to the discharge of those duties which it owed to the country in consideration of its affairs both abroad and at home. He felt infinitely more disposed, on a question of this kind, to coalesce with those who entertained this opinion, than with those who thought the representative system entirely corrupt, and that it should be destroyed. He agreed that the terms in which the petition was conceived were extremely offensive, but they might be found at the same time, to be only a repetition of what had found its way into so many other petitions. He thought it better, therefore, to assent to the proposition of his honourable friend, that the debate should be adjourned.

Mr. Wardle could not agree that any insult was meant to be offered to the house by the present petition. The petition which had been received from Westminster contained no prayer; the present contained not only a prayer,

but an earnest request that the house would comply with the object of the petition.—He had used the freedom in that house to go the full length the petitioners now did, in expressing their opinion. These sentiments he still, with submission to the house, entertained. He had presumed to deny that parliament had the right which it had assumed and exercised. He had been allowed to express that opinion; and he submitted that the freeholders of Middlesex had the same right to express their opinion on the subject. It was quite possible by strong resolutions to insult the house in the grossest manner, while, at the same time, the petition to be presented to them should be conceived in a way which might escape notice. The petitioners here had only candidly declared their own opinions, as subjects of this country were entitled to do. To his (Mr. Wardle's) mind, these sentiments were true throughout. He trusted, therefore, that the petition would be received.

Mr. Abercrombie was of opinion the petition ought to be received, because he did not think the words were such a departure from the respect due to the house as should warrant them in rejecting it. If the petitioners were of opinion that the house had acted illegally, he did not see in what other terms they could have expressed themselves, than by declaring that such was their opinion. If the house had acted thus illegally, it would be a grievance which it was the duty of the people of England to come forward and complain of in the most determined, though becoming language. Great authorities had their doubts on this subject, though he confessed he had none. He was for receiving the present petition, however, because he thought it not so offensive as the petition from the inhabitants of Westminster, which had been received. He wished, at all events, that the house should have an opportunity of looking into the language of other petitions. It would be unfortunate, if, at such a period as the present, they should treat the petitioners coming before them with greater severity than their predecessors had been accustomed to do.

Mr. Stephen thought the words of the petition conveyed a studied insult to the house. It would be strange if this house, the majesty of the people, was the only body in the kingdom which could be libelled with impunity; nay, while receiving petitions insulting to themselves, must be compelled to become the servile instruments of their own

degradation and disgrace. If the house were insulted by resolutions, as an honourable gentleman (Wardle) had supposed, even those who denied their right to be judges in their own case must admit that they might go into a court of law, and there obtain justice; but if they once received on their own table a petition, in which they were insulted, no such redress could be obtained. He agreed, however, with his learned friend, who spoke last, in thinking that the right of petitioning should not be broken in upon till every gentleman had an opportunity of reading over the petition, and comparing the objectionable paragraphs with the context. He recommended to the house, therefore, to accede to the motion for adjourning the debate till the next day. So delicate a question as the right of petitioning should be discussed with every degree of deliberation, and in as full a house as possible. It appeared to him that gentlemen should not present petitions in which they saw any thing very objectionable. Why should they be bound to comply with the wishes of their constituents in what was wrong, more than an advocate should in a court of justice in favour of his client? He did not conceive that a gentleman should continue a member of a body which he despised. If there were any gentlemen in that house who thought them so constituted as some persons represented, he was surprized they did not resign their seats. So long, however, as they continued in the house, they ought not to suffer themselves to be made the means of insulting it.

The Chancellor of the Exchequer, though he saw no necessity for the delay, had no objection to accede to it.

Sir J. Newport thought the whole petition should be taken together, and that it was not the fair way of judging to extract a single objectionable paragraph. Here the petition had a prayer, which was not the case with the Westminster petition. The fact of the petition having a prayer should go a great way in shewing that there was no intention of offering an insult to the house.

Mr. Byng had no objection to the adjournment. He believed the more time that was given to the consideration of the petition, there would be the less doubt that it ought to be received. The petitioners were of opinion that the house had assumed a power which it did not possess, and this being the case, they presumed that they were entitled to state this to be their opinion. They could not forget,

too, that the house had formerly fallen into an error, by which they had been the sufferers, having been deprived of their representative, and that after a struggle of many years the house, in the year 1782, struck off the objectionable proceedings from their journals.

Mr. Hutchinson recommended to the house to be slow of shutting their doors against petitions. He also expressed his conviction that those were the best friends to rational reform who recommended moderation at such a period.

The question was then put, and the farther consideration of the debate was adjourned till the next day.—Adjourned.

HOUSE OF LORDS.

THURSDAY, MAY 3.

Lord Melville rose and said, that as the papers produced to their lordships respecting the transports, &c. employed in the public service were scanty and unsatisfactory, he feared a considerable length of time might elapse before sufficient documents were laid before the house, in conformity to the spirit and substance of his motion. But he had felt it to be his duty in the first instance to move for those papers, and, therefore, he should think it also to be his parliamentary duty, not to wait for the slow production of such documents, but (if they were not speedily produced) to address their lordships again on the subject; and he should not defer his motion beyond Tuesday se'nnight.

THE KING'S MESSAGE.

The Earl of Liverpool moved the order of the day upon his majesty's message respecting provision for the Duke of Brunswick, on which the noble earl stated the great efforts which had been made by his serene highness; which efforts had, unfortunately, proved unsuccessful, notwithstanding the personal valour displayed by the illustrious duke and those who were his companions in arms. He also touched upon the near connexion and alliance in blood between the Duke of Brunswick and the royal family of these realms, and concluded by moving an humble address to his majesty, stating the disposition of the house to take into consideration his majesty's most gracious communication, which he had no doubt their

lordships would agree to, in the way in which they attended to similar communications from the throne.

Lord Holland did not rise for the purpose of opposing this motion, of which he approved, considering that the exertions of the Duke of Brunswick entitled him to the generosity and justice of this country. But, although he approved of the provision, and really thought it incumbent on the country to make such provision for the Duke of Brunswick, yet he wished to know from what fund it was to be supplied; whether from the civil list, or the 4 per cents. or the droits of the admiralty; as, of late years, similar applications, beyond all precedent, had been granted by the liberality of parliament, which bore hard, in addition to the other public burthens. In the frequency of these cases which had come of late before parliament, he thought that the expense had been charged improperly, because there were other funds from which they might have been defrayed.

The Earl of Liverpool was extremely happy to find that there was no opposition made to the present proposition. As to the question of the frequency of recent applications of this sort during the war with France, that frequency had arisen from the nature of the contest in which this country had been engaged; but as that question was not at that moment before the house, he should merely say that he was glad to find that no difference of opinion existed as to the specific grounds on which this motion was made. Whenever any noble lord thought proper to originate any discussion on the principle upon which those grants had been asked, he felt himself perfectly prepared to meet it, and to give his reasons for their propriety. His lordship also made some observations upon what had fallen from the noble baron respecting the civil list, as a fund from which this provision might be drawn, which his lordship disapproved of.

Lord Holland stated in explanation, that he had not said that this provision should come from the civil list: he had mentioned the civil list, the four per cents. and the droits of admiralty; but he had not stated any particular fund as expressly applicable to this purpose.

The address was then carried *nem. dis.*—Adjourned.

HOUSE OF COMMONS,

THURSDAY, MAY 3.

A great deal of private business was gone through.

PARLIAMENTARY REFORM.

Mr. Brand rose, and for the motion of which he had on a former day given notice without appointing any particular day, he now named the 21st instant.

The house resolved into a committee to consider of the acts relating to salt, and came to certain resolutions for continuing the allowance of drawbacks. Ordered to be reported to morrow.

Sir John Sinclair moved for an account of the duties payable on spirits distilled in England, from the 1st of October, 1808, to the like date 1809. Ordered.

COMMITTEE OF SUPPLY.

Mr. Herbert reported from the committee of supply, upon leave, in the absence of Mr. Lushington.

On the first resolution being read for advancing to his majesty a sum of 21,125*l.* 2*s.* 7*d.* to make good the like sum advanced from the civil list revenue to Mr. Chinnery, for account of expenses incurred in the island of Sierra Leone, on the coast of Africa,

Mr. Dent rose and expressed a wish to know on what account his majesty's ministers had thought fit to advise the appropriation of so large a sum on account of that settlement, or how it was disbursed?

Mr. Wharton answered, that the money was advanced to pay bills drawn by the government of Sierra Leone on the government in England; to defray the expenses incurred for repairing old fortifications and erecting new ones; for facilitating the accommodations for watering ships; and also for promoting agriculture on the island, which was now done at the expense of government. These were the grounds of expenditure which induced Lord Castlereagh to advise the payment of the bills; and although 4,000*l.* of the whole sum was not yet accounted for, yet as the bills were drawn by the Sierra Leone government, it was thought expedient they should be paid.

Mr. Dent considered the grant altogether a most abominable job, and could not see any benefit whatsoever

arising to the country from it. He, therefore, should dissent from the resolution.

Mr. Wharton replied that the government of Sierra Leone would be called to a very strict account for the application of the money.

The resolution passed in the affirmative, as did, without further discussion, all the other resolutions of the supply committee.

SPANISH PAPERS.

Mr. Canning rose to postpone his motion, intended for the next day, upon the subject of some Spanish papers, for which he had moved on a former day. He found upon inquiry the returns had been made by mistake elsewhere; and as the papers were not yet laid before the house, he should defer his motion to a more convenient opportunity.

INDIA.

Mr. Creevey rose to state, that in the motion which he intended to bring forward to-morrow, respecting Madras, he meant to include the civil as well as the military concerns of that presidency.

Mr. Grant presented the estimate for the transport service for the current year.

MIDDLESEX PETITION.

The order of the day being read for resuming the adjourned debate upon the Middlesex petition,

The Speaker acquainted the house, that the question for its consideration was, "That this petition do lie on the table."

Mr. Barham expressed his regret that the attendance of members was not so full as could be wished upon an occasion of so much importance. Still, however, he thought that whatever might be the decision of the house upon this question, it would have a much greater impression than if the house had decided last night; for he was sure that whatever vote any member might be induced to give on this subject, he would give it that night with greater confidence and satisfaction. He confessed that the time which had elapsed had by no means changed his intention as to the vote he would have given, were he urged to decide last night, and that he felt himself constrained, though very reluctantly, to vote against the re-

ception of the petition. He thought it impossible that any man could be more desirous than he was to throw open the doors of that house to petitions from the people. There was no allegation that could be made in such petitions, into which he would refuse to inquire—no argument therein urged to which he would not listen; but the writing now in discussion was not a petition, but a protest against the authority of the house. It was not an allegation, but a censure on its conduct; and therefore he would take his stand here, and vote for its rejection. He could not conceive what object the petitioners could have in view, but that of trying the forbearance of the house. If they had desired of the house to re-consider the proceedings it had adopted towards Mr. Jones, or Sir Francis Burdett, or expressed their wishes for a reform of parliament, surely they must have known that the better mode of accomplishing their purpose, was to put forward their request in a manner less menacing; but he perceived it was the purpose, continually apparent, to trench upon the privileges, and depreciate the authority of the house of commons. There was no assertion more grossly untrue, or more dangerous, than to say that the house of commons maintained privileges contrary to law, and subversive of the rights of the people. What, he would ask, were the privileges of that house, but the privileges of the people?—privileges which, he declared individually for himself, he would cheerfully resign; but he considered them the privileges of the people, and, therefore, he could not consent that those privileges, as they now existed in that house, should be abandoned. He lamented extremely that there were members who lent themselves to the clamours of popular faction, and joined in this species of insult to the house of commons, and in the endeavour to compel the house to abandon its privileges; but those men seemed little aware of the consequences to which their conduct directly tended; for if once those factions, to which they had lent themselves as the tools, should be successful in their real object, which was the complete subversion of all existing authorities, those very men would be the very first victims of the storm they aided to raise, and would be swept away like chaff before the wind. Those parties, with whom such men unfortunately combined themselves, knew much better than they did the true purpose they had in view. They knew that, when the

privileges of that house were dissolved in effect, the power of the crown, and the monarchy itself, which the privileges of that house equally limited and protected, would speedily be dissolved also. And what, he would ask, must be the consequence? The business must inevitably end either in a wild democracy, or in an absolute monarchy and military despotism, like the revolution of France. There was no other alternative. Every man who had read the history of the French revolution must be convinced that similar causes, pushed to their extremity, must produce similar effects. It was his wish, however, that the house, even on the rejection of this petition, should not adopt any precipitate measure likely to excite in the public mind a spirit of irritation, or afford a handle to those who wished to represent that house as hostile to the rights of the people, or inclined to reject their petitions when offered in decorous language. He could wish the house to adopt, on this occasion, some resolution expressive of this sentiment, that the house of commons was never unwilling to receive the petitions of the people, nor to attend to the prayers of those petitions; but that the house could not record upon its journals, under the name of a petition, that which was, in fact, a protest against its own authority. He could wish that some gentleman, more competent than himself, would assume the task of framing such a resolution, to which he should be happy in giving his support; but still he thought that a mere rejection of this petition, without a full discussion of the subject, would not be enough. The house had a right to demand of all its members a bold avowal of their sentiments, in order to strengthen its hands for the maintenance of its privileges. He could not, however, conclude his observations upon this subject, without directing the attention of the house to the conduct of those men opposite to him, whose measures and proceedings had led to the consequences which placed that house in the predicament it now stood in, and lowered its dignity in the popular estimation. They had been warned often by his honourable friends on all sides of him of the mischief to which their conduct was the direct path. They had constantly manifested too much disregard to the public feeling; and if they were loud in their censures upon the frequent intemperance of the public spirit, they should be told the causes existed with themselves, their practices,

and their marked inattention and resistance to every subject of public complaint and popular grievance. They had continued for a long course of time, upon every occasion likely to excite popular discontent, to mock the people by sham inquiries, yet doing nothing. They resisted every proposition for inquiry in order to the reform of public abuses; and where they were found to concede inquiry, delinquency, when discovered, was protected rather than punished. Even upon a recent occasion, when a member of that house, either deservedly or undeservedly, rendered himself obnoxious to the popular feeling, how did his majesty's ministers mark their regard to public sentiment? Why, by instantly covering that member with honours and rewards! (The honourable member, we conceive, might allude to Mr. Yorke.) He desired to be understood as not speaking from any sense of animosity to that right honourable gentleman: but this he thought was not a fit time for such conduct on the part of ministers. Not content, however, with incurring for themselves the popular odium, they had also endeavoured by their language to transfer that odium to those who had constantly opposed their obnoxious measures, and never ceased to cry out against the ruinous tendency of such measures. They had given to the demagogues the example for that language by which the house was now continually reviled and insulted. Their constant reply to those who resisted their measures, or arraigned their misconduct, was, that their only motives for opposition was a wish to get into their places. Could they suppose the people would not catch at such language? Their very phrases were adopted in every popular discussion, and made the general ground of abuse of both sides of the house. But he could not suppose any man so absurd as to oppose such ministers merely for the sake of getting into their places, under existing circumstances. He wished the house, however, to view with a temperate consideration the state of popular feeling, and that those persons whom he had been just addressing would consider how far they themselves had been instrumental to the success of those who propagated libels upon the parliament. If there was any such sentiment, that he or his friends were actuated by any views to power or emolument, he wished it to be fairly and fully investigated. Apologizing to the house for trespassing so long on their indulgence, he wished the question for rejecting this petition

might be shaped as a resolution in the form he had already suggested. He had drawn up one as rather explanatory of his own sentiments than to bind the house to adopt it in the precise form it was now written; and he concluded by moving,

"That this house is at all times ready to receive the petitions of the people, and attend to the prayers thereof; but cannot receive as a petition that which is in fact a protest against its proceedings."

Mr. Grenfell, as he had seconded the motion of his honourable friend for the adjournment of the discussion to this day, trusted that he should be indulged in briefly stating the grounds of the vote he meant to give. He rejoiced in the short delay that had taken place, because, in whatever way the house should decide, its judgment would, he was persuaded, have more weight and impression in the country. As to the character of the document under consideration, he for one had no doubt, and no gentleman who had spoken on the subject, seemed to him to have justified the tone and language in which it was drawn up. A worthy alderman, a friend of his, (Alderman Combe), had stated last night, as the ground on which he should vote for receiving the petition, that he did not know what might be the consequences of its rejection. For his own part, he could say, that though he might not know what would be the consequences of its rejection, he was still disposed to think less of these consequences than of the dignity of that house. Yet if he was not aware of the consequences of its rejection, he had a strong impression of what might be the consequences of the reception of such a document by that house. If they could once be brought to entertain such a production, their table would in a short time be loaded with petitions in still more offensive terms, which would not fail to be promoted by those who were ever ready to degrade and vilify the house of commons. It was by no means his opinion that there existed any such disposition generally throughout the country; but he was ready to admit that a considerable degree of discontent and dissatisfaction did prevail amongst the mass of the public. Any constitutional measures for the removal of such discontent he should ever be prepared to support; but proceedings of any different tendency should meet no countenance from him. One of the principal causes for public dissatisfaction arose from

the oppressive, tyrannical, and vexatious system for collection of the taxes. If ever a revolution should take place in this country, it would be brought about by the vexatious collection, and not by the extreme burthen, heavy as he allowed it to be, of the taxes. He was not afraid of the meetings in Palace-yard or at Hackney, so much as of what was passing elsewhere; and of this he was convinced, that no revolutionists were so much to be dreaded as the commissioners of taxes. Having stated so much upon the cause of the public discontent, he should not take up any more of the time of the house, but conclude with stating his intention of supporting the resolution read by his honourable friend.

Mr. J. W. Ward moved, that the petition of the electors of Westminster be read, a proceeding which he stated to be necessary, with a view to a comparison with the petition under consideration.

The Westminster petition having been read accordingly,

Mr. Ward should not have felt it necessary to trouble the house with any observations upon this question, if he had not stood in the situation of having been the person to propose the rejection of the petition lately presented by the electors of Westminster. Whether the house was right or wrong in its decision upon that occasion it was not for him to say; but certain he was, that feeling as he did, that the petition was an insult to that house, he had done no more than his duty in calling the attention of the house to its contents, in order that a document, couched in such insulting terms, should not *sub silentio* be laid upon the table of that house. At that time, as well as on the present occasion, he was actuated by a desire to preserve the dignity of the house; and as he should vote that the petition under consideration should be suffered to lie on the table, he trusted the house would permit him to state shortly the motives to the vote he meant to give. The dignity of that house ought, under all circumstances, to be upheld, and no mean part of dignity was to be found in consistency. As the house had but the other day agreed that such a paper as the Westminster petition should lie upon its table, he could not see how it could consistently reject this petition from Middlesex. He had not heard any one of the arguments urged against receiving this petition of the electors of Middlesex, strong as he admitted them to be, and con-

clusive as they would be upon his mind, if the question were a *res integra*, now for the first time brought under consideration—he had not heard any one of those arguments which was not much more applicable to the Westminster petition. He could not help stating that in his opinion all great cases ought to be determined upon broad and intelligible principles. He could not think it consistent with the consistency or the dignity of that house to receive one petition containing offensive language (because, by a quibble, it could be made out that the objectionable terms might not have been intended as an insult), and to reject another petition of the same description, merely because the same contemptible quibble could not avail to explain away the offensive nature of its expressions. On the ground of consistency, therefore, he thought the house bound, as it had received the former, not to object to the latter. Undoubtedly it must be admitted that the practice of that house underwent changes after long periods. A century, nay, twenty years, usually made some variation in the practice of that house; and of such changes the conduct of their ancestors in the brightest periods of the history of the country respecting petitions, when compared with the conduct of parliament in modern times, afforded a most clear and convincing proof. But whilst he admitted that the practice of parliament naturally underwent a change after the lapse of some considerable time, he must contend that consistency as well as decency required that they should not vary their practice from day to day, or from week to week, as if they acted upon no fixed principle; that they should not change their course of proceedings merely because the Chancellor of the Exchequer might have a little more or a little less political knowledge in either of two successive days or weeks. (*Hear, hear!*) It was upon this ground that he was of opinion that the house, from a regard to its own consistency, ought to receive this petition. At the same time he had no hesitation to declare his unaltered detestation and abhorrence of the designs of those who promoted such means of throwing discredit upon that house. He had only to add, that if any other petition, exhibiting a clear, demonstrable, tangible difference in point of intentionnl or actual offence (a difference which did not appear to him to exist between the Westminster and Middlesex petition) should hereafter be presented to that

house, he should be prepared to vote for its immediate rejection.

Mr. R. S. Dundas concurred most fully in all the doctrines laid down by the honourable gentleman who opened the debate, so far as they were applicable to the question. As to the last honourable member who had spoken, he was not prepared to follow him into his ideas of consistency on this occasion. That honourable member had stated that he would not have voted for the reception of the Westminster petition, nor of this petition, if the former had not been received, though he argued that, in consistency, having received the former the house was bound not to reject this. Did the honourable gentleman then mean to say, that because the house was wrong then it should in consistency act wrong now? Consistency in error the house would not, he supposed, be inclined to adopt. As to the former petition, he admitted that upon reconsidering it he was of opinion that it bore the construction which had induced the house to receive it. But was the document under consideration of the same description? Could any gentleman take upon him to say that this petition was any thing but a premeditated insult to that house? The tone and terms of the present petition were so much stronger and more offensive than the former, that he was of opinion the house should now make its stand. This they were the more bound to do, because, having received the former petition, they shewed their disposition to receive such as, consistently with their dignity, they could, though resolved not to receive any other, which increased in the strength and insolence of their language. The honourable gentleman opposite (Mr. Barham), had asserted, that the terms of these petitions had been adopted from language used by the honourable gentlemen on his side of the house—(*the Treasury side*)—and contended that the dissatisfaction of the public arose from sham inquiries in parliament. He did not, however, understand that honourable gentleman to say that parliament had lost the confidence of the public. Whatever might be that honourable member's opinion, he, for his part, was confident that parliament had not lost the confidence of the nation. The measures taken out of doors, which had been alluded to, proceeded from persons whose conduct was totally at variance with the principles that influenced that house. But as to the observation of that honourable

gentleman, that, because a late member of that house (Mr. Yorke) had incurred the displeasure of the public, whether his conduct was deserving or not deserving of censure, he should not have been appointed to the office he now held, he should only say, that if those who had advised that appointment had been influenced by a feeling such as that alluded to by the honourable gentleman, they would indeed have merited contempt. It was not by advising such appointments, but by giving way to such unworthy sentiments, in coming to a decision, that the government would incur contempt. He was sure, therefore, that the honourable gentleman would be ready to retract his assertion. There was little more in the observation of the other honourable member, who attributed the discontents of the nation to the board of taxes. This was a most extraordinary statement. These boards were merely the instruments for carrying into execution the acts of that house. The duties they had to perform were prescribed by parliament; and if any blame attached for the manner in which they were directed to execute them, the honourable member himself must have his full share of it. Their duty was irksome, but it was imposed upon them. He could not agree with the opinion of the honourable gentleman that the rejection of the petition should be preceded by any resolution or declaration, shewing the grounds upon which it had been rejected. The honourable gentleman had himself shewn no similar case, nor did he believe that any similar case could be shewn. The best mode of manifesting the grounds upon which the house acted would be, to let it appear that, after having received the former petition, this had been, on reading it, immediately rejected.

Mr. Ponsonby regarded the observations of his honourable friend respecting the appointment of Mr. Yorke to the office of first lord of the admiralty as strictly constitutional; because in this country the representatives of the people had no other means of ascertaining the sentiments of their constitutents but by means of a new election. If upon such an event they should be re-elected, that would be a satisfactory proof that they approved of their public conduct; and, according to this constitutional criterion, the electors of Cambridgeshire had given their late member decisive evidence of their sense of his parliamentary conduct. As to the petiotin itself, he was

sorry to differ respecting it from his honourable friend; but certainly he should not vote for its rejection. He could not discover in it any thing so offensive as in the petition which had already been received. But he should never admit that any expressions in a petition, which that house might consider as offensive, ought to induce them to shut out from that house the opinions of the people. What was actually the case respecting this petition, or how was it to be otherwise worded? If the people found fault with what was done in that house, were they not to say so? Or if they did not say so, how could they complain, or what ground could they lay for redress? It was the constant maxim of the house not to allow a petition to be presented against a tax in the same session in which it was proposed, though such petitions might be presented in a subsequent session. He would undertake to say that hundreds of such cases were to be found upon their journals, in which taxes were represented as partial, oppressive, and unjust; and yet he did not believe that any one of these petitions were rejected in consequence of such expressions. Could any thing be abstractedly more offensive than to charge that house with partiality, oppression, and injustice? and yet it did not appear that any petitions had ever been rejected in consequence of their containing such charges, because that house considered them as conveying the sentiments of the petitioners. It should be equally so with regard to the present petitioners. They thought the conduct of that house unjust, and they told them so. If they really and conscientiously thought the house in its conduct unjust, how could they express that in words but such as they had made use of, and ought to make use of? Far indeed was he from concurring in the sentiments contained in their petition. He knew of no privilege claimed by that house which it did not possess. He knew of no power exercised by it which it had not the right to employ. He had most certainly read in that petition, and elsewhere, that the house had claimed and exercised privileges and powers which it did not constitutionally possess; but such statements he was far from considering as offensive, proceeding as they did from an ignorance of the constitution. The surrender of any of the privileges of that house would lead to the destruction of the constitution. He regretted the ignorance which seemed to influence the people upon

this subject; but he could not look upon it as an offence, if they differed in opinion from that house, that they should say so. As to what had been said of the designs of those who promoted the public meetings in which these petitions originated, he should say that he knew of no such designs. If ministers were apprized of any such designs, it was their duty to make a case for parliament, and to provide themselves with the means of effectually counteracting them. But he could not admit that the statements in newspapers were good authority, or ought upon such subjects to be made the foundation of arguments in that house. For himself, he was not inclined to place any dependence upon statements given in the newspapers as reports of what had been said at public meetings. The ground upon which he could not give credit to such statements was, that he had lately read in three or four newspapers, accounts all nearly coinciding of what had been said at one of these meetings in Palace-yard by the honourable member for Oakhampton, which he was sure that honourable member never had said, and which, as he saw the honourable member in his place, he was sure that honourable gentleman would not hesitate to declare he had never said. In these accounts that honourable gentleman was represented to have said, "that the gentlemen of the opposition had taken the occasion, the moment a motion was made by ministers against Sir Francis Burdett, to run down that honourable baronet; that they had taken that particular occasion to declare their determination of rallying round the government; that they could not conceal or suppress their joy at the commitment of that honourable baronet." Now as to all these assertions, he had only to say, that he knew of no such intention to rally round his majesty's ministers, nor of any joy felt for the commitment of the honourable baronet, amongst that portion of the members of the house known as the opposition; and if either existed, he must, from the degree of their confidence which he possessed, perhaps in a higher degree than he merited, have known of it. On the contrary, they had all declared and voted against that commitment. Again, he had read in the same papers, what he was equally persuaded could never have been said by that honourable gentleman, "that the conduct of the opposition had been worse even than that of the ministerialists, because they had found fault with

government for not having called in the military sooner." Upon this assertion he could also state that it had no foundation in fact. The gentlemen on his side of the house, instead of adopting such language, had accused and condemned the government for having employed the military before they had tried whether the civil power would not have been sufficient. He was, therefore, of of opinion, that no dependance whatever was to be placed upon such statements in the newspapers, nor should they be relied on as the ground of argument in that house. It had also been stated that all of those who composed the two great parties in that house were corrupt, and anxious to get rid of the honest and independent men who were enemies of their corruption. It was absolutely impossible that there should be no honest men in that house but the very few members who were thus represented as looking upon themselves as the only persons possessing integrity, and holding out all others as corrupt. It was impossible that any honourable member could have stated that out of the 658 members composing that house, 650 were notorious rogues, and the remaining few alone honest. He must again therefore repeat, that no dependance was to be placed upon these accounts in the public papers. As to the question under consideration, he should again assert that the house was bound to support the right of the people to petition; that it was conformable to its constant usage to construe the language of petitions as such as was intended to be respectful to that house; and that therefore they should suffer this petition to lie on the table.

Mr. Wardle hoped the house would indulge him in a few observations, in reply to the personal attacks which had been made upon him. (*No, no, from the opposition; upon the newspapers.*) Then as the right honourable gentleman had quoted from the newspapers certain expressions which were attributed to him, that right honourable gentleman should have stated where he had found them, because for his part he had not seen them so stated in any newspaper. What he had said he believed was this, that he thought it rather a curious moment for the gentlemen of the opposition to shew that they rejoiced in the commitment of Sir Francis Burdett. He said too, that he had heard it stated by one gentleman amongst them, that the occasion required them to rally

round the government, and from that sentiment having been cheered particularly by the members on the opposition benches, he was justified in assuming it to be general. It had even been stated by the honourable gentleman, that even if his majestys ministers were to have hereditary offices in the government, the house ought to rally round them on such an occasion. As that honourable member was in his place, he would correct him if he was wrong; but the impression upon his mind was that he had made use of the expression; but as to his having said that all the persons in that house were not honest, but the few who concurred in opinions with himself, he could not recollect his having used any such expression, and he was sure he had not, because he had never thought so: but in or out of that house, he should always state freely what he thought, though he could assure the right honourable gentleman (Mr. Ponsonby) never with offence towards him personally. In stating his sentiments, however, as to the conduct of public men, he should never conceal the opinions which he conscientiously, and at the meeting alluded to. He had done nothing but what he had a right to do, and what he should always do as an elector of Westminster. Having said so much as to the attack which had been made upon him, he had only one word to add on the subject of the petition under consideration. He trusted that the right honourable gentleman opposite (the Chancellor of the Exchequer) would pursue the same course with respect to this as he had done with respect to the Westminster petition. In that case the right honourable gentleman had consented to receive the petition, as containing the sentiments of the electors of Westminster. If he should put a similar construction upon the present, which was the construction upon which it ought to be received, he was sure the right honourable gentleman would have no difficulty in acceding to the motion that it be laid upon the table.

Mr. Ponsonby, in explanation, stated that he had not intended any attack upon the honourable gentleman. What he had said was directed against the statements in the newspapers, purporting to be reports of the honourable gentleman's speech. As he had been called upon to state where he had seen these reports, he should inform the honourable gentleman, in *The Morning Chronicle* and *The Times* newspapers; and also in another, the name of

which he did not recollect, but all the accounts were nearly similar. What the honourable gentleman had just stated, corroborated his assertion that the honourable member had never made use of the expressions stated to have been used by him.

Mr. Wardle had never seen the statements alluded to by the right honourable gentleman, and what he had said at the meeting he had already stated in reply to the right honourable gentleman.

Sir John Anstruther, as the honourable member seemed to have alluded particularly to him, trusted he should be indulged in making a few observations. When that honourable gentleman imputed to the members on the opposition side of the house, that they had rejoiced at the commitment of Sir Francis Burdett, he was of opinion that he should have looked rather to their votes than to their cheers for evidence of their sentiments. For himself, he was one of those who thought the house had not exceeded its just and constitutional privileges in that instance. How far it might be desirable to exercise these privileges on any particular occasion was quite another question. But such privileges the house not only had, but ought to have; and without them it must soon cease to exist as an integral branch of the legislature. The honourable member, in quoting the particular expression which inadvertenly fell from him in the former debate, should have quoted it correctly. When he had stated the observations respecting hereditary ministers, he did it for the purpose of declaring, that if it was a question between the continuance of the present ministers in office, and the existence of the constitution itself, he could have no doubt in preferring even them as the government, rather than see the constitution overturned. That was what he had said, and should still say. He should never however cease to use all constitutional means to procure their dismissal from office, and to induce his majesty to place his government in other and abler hands. But desirable as he considered such a change, if it was to be effected only by the destruction of the government itself, and of the constitution, there he was determined to make his stand, as he looked upon it as much better to take the government, even as it is, than to hazard the overthrow of all government. It was in the recollection of the house that this was the sentiment contained in the expression

adverted to by the honourable gentleman, who, in quoting it, should have, in fairness, quoted it correctly.

Mr. W. Smith regretted, that agreeing as he did with the good intentions of the petitioners, and also of several gentlemen around him, he should differ from them *toto cælo*, as to the means of carrying that intention into effect. He could not agree that the house was bound on the ground of consistency, stated by an honourable gentleman (Mr. Ward), to receive this petition, because it had received the petition of the Westminster electors. For the one contained nothing more than an expression of disapprobation of a particular act, and a request for the consideration of that act, which the petitioners were entitled to lay before the house; but the other, namely, that under discussion, he conceived to be peculiarly offensive, and his objection to it, he confessed, to rest upon the imagination that it conveyed an intended insult to the house. He should, therefore, oppose its reception. It was not in fact conceived in the terms, or drawn up in the spirit of a petition. For instead of asking, or even recommending, it dictated authoritatively to the house. The case between Sir Francis Burdett and that house was said to be at present *sub judice*. It was to be submitted, it was understood, to the investigation of a court of law, and did it become, was it decorous, in a party professedly complaining to that house, to pronounce not a mere opinion upon the question, but a most authoritative decision. It was in fact impossible to read this petition attentively, without seeing that it was indecorous, without feeling that it was the object of the parties by whom it was drawn up to try to what extent they could contrive to offend the house, and still get their petition upon the table. Believing that the Westminster electors entertained no such view, he supported the motion for the reception of their petition. If it should be said, that the rejection of the petition under discussion implied any wish to narrow the right of petitioning, he felt that no such wish could be imputed to him. For the twenty-six years during which he had been a representative of the people in that house, he could refer to his conduct as the best defence against any such imputation; as in the course of that period he had never voted against any popular (if it was for him to say what was popular) or constitutional measure. He was sorry that his sense of duty should on

this occasion impel him to oppose many persons whom he respected. But he differed from them only as to the means they employed for carrying their object. It had been often observed, and with justice, that it was necessary to the preservation of the liberty of the press to guard against its licentiousness; and why not apply the same observation to the right of petitioning, that in order to preserve that right it was necessary to guard against any licentiousness in its exercise. The petition under consideration he conceived to be a most licentious exercise of that right, and therefore he must oppose its admission. He must oppose it, because he could not sanction any proceeding calculated to encourage that sort of commotion in which the middle men, like himself, in which those who wished to keep aloof from all extreme, were sure to be trodden under foot. He was an advocate for moderation, to which this petition had no more regard than it was likely to meet with in the scene of tumult he had alluded to. It could not be supposed that in the vote he meant to pronounce upon this subject, he was influenced by the consideration that the Chancellor of the Exchequer took the same course. His vote was the result of a thorough conviction, which he rather believed would very seldom incline to vote with that right honourable gentleman. Passing from this topic, the honourable member adverted to the observation of an honourable gentleman (Mr. Wardle), with regard to the conduct of his side of the house upon the committal of Sir Francis Burdett. How that side of the house could have exulted in the committal of the honourable baronet, while no less than 152 of that side voted against it, was a species of paradox which he confessed he was unable to comprehend. That the house had lost much of its weight and respectability in the public estimation, and through its own conduct, the honourable member conceived it absurd to deny. But still he must be excused if he thought that it should not give up any part of the weight and respectability it retained. That it should tenaciously maintain its privileges. Although he was satisfied that that house required reform—although he felt that that reform must, and he hoped would ere long, take place, yet it should be recollected, that if any of its privileges were now lost, it might be found extremely difficult to regain.

them, even after the reform was accomplished. Therefore the house should not, because it had committed some breaches of duty, be guilty of a still farther breach by surrendering its privileges, by neglecting to transmit those privileges to their successors, for the benefit of the people, to whom and for whom they were necessary, as they would be found, particularly in the event of reform. For this reform he anxiously looked. He had been a petitioner, in fact, to that house, and he would petition for it again and again if necessary. He would of course be happy to encourage all those who professed to support that desirable measure in any application they thought proper to make to that house in its favour, provided such application was couched in decorous and proper terms. But the petition was not of that character, and therefore he could not defend it. This petition, however, and all the other proceedings which he in common with all reflecting men lamented, was to be traced to that unfortunate vote (for the committal of Sir Francis Burdett), which he had endeavoured to prevent, and which he never could cease to deplore. Whatever indeed might be the termination of this controversy, he must always regret that vote for the consequences which it had already produced. But this was not the only subject of his regret. He could not help thinking, that if any of the several propositions for reform submitted to that house had been adopted, the character of the house would have been more respected through the country. The body of the people would have reverenced its proceedings, would have regarded it as their real representation, as the guardian of their rights, and therefore would have come forward to support it in the assertion of its privileges. But how different were the circumstances at present, owing to the state and conduct of that house. He was aware that in the language he held on this occasion he was likely to offend both parties; but no consideration whatever, much less the fear of giving offence, should ever prevent him from performing his duty.

Mr. M. Fitzgerald (of Kerry) thought it the duty of the people in their communications to that house to express their opinions freely, and the duty of that house to receive such communications. If a petition were to be rejected, merely upon the ground that it contained offensive language, that it was exceptionable in its terms,

in the opinion of the administration of the day, which was generally interested in opposing redress, what dangerous impression was it likely to make upon the mind of the country? Would it not indeed serve to induce an apprehension, that the exercise of the right of petition was become comparatively nugatory, depending altogether upon the will of the minister? He concurred with the last speaker in lamenting the cause of all this discussion. He lamented the unwise policy of committing Jones; and the more so as he was of opinion at the time, and remained so still, that that house had not the right of committal for a libel, either from law, constitution, or practice. He was also persuaded, that the house would have better consulted its dignity by declining to notice the case of Jones; and he was equally persuaded that it would better commit not only its dignity, but its duty and interest, in throwing no impediment whatever in the way of petitions or counsels from the people who paid the taxes, who paid the army and navy, who supported the expense of the state. When he spoke of the people, he meant of course those who were entitled to attention, the reflecting part of the community, who were capable of forming a just judgment upon the conduct of their representatives. To such men, to his constituents Sir F. Burdett addressed his letter, as he was justified in doing. He was among those who thought so; and of course he could not condemn the petition under consideration, although he must confess that he did not like the terms in which it was drawn up. That however was not a ground upon which he could feel himself justified in rejecting that or any other petition. If such a ground, indeed, were admitted, to what would it lead? The minister or his agents must in future be consulted upon every petition, upon the distinct form of words, before it was presented to that house; and if it complained of any grievance, or used any expression offensive to the minister, it would be rejected. In what case, he would ask, of a public nature could a petition be imagined, which would not be rejected if such a ground of objection was established? He called upon the house to reflect seriously upon this point, and he would also call upon an honourable gentleman on the lower bench (Mr. Wardle), to reflect a little upon his assertion, that all the gentlemen on his side of the house hailed the committal of Sir

Francis Burdett. Was it possible that the honourable gentleman could, after any reflection, feel himself warranted in such an assertion? He was really at a loss to divine the cause of the honourable gentleman's objection to that side of the house, as several gentlemen on that side had on many occasions given the honourable gentleman the most active support had indeed generally acted with him, and particularly on the very occasion when, according to the honourable gentleman's words, they exulted in the failure of their own efforts. Did the honourable gentleman object to the side of the house on which those gentlemen sat, or was it his desire to send them to the other side? What was the honourable gentleman's wish he really could not conjecture, for if it was to be inferred from the censure he had referred to, he did not think it had any foundation in reason or justice. Reverting to the motion before the house, the right honourable gentleman said that he could not help thinking that ministers had on this occasion, and on some recent events, betrayed their disposition to undermine the right of petitioning, by damping the spirit of the people—by shackling the expression of their opinion. When it was recollected that these were the ministers who actually insulted the city of London upon its petitioning, with regard to the disgraceful convention of Cintra, who trifled with a petition from the same respectable body upon the subject of the Walcheren expedition, he could hardly think that a doubt could remain as to the disposition of such ministers as to their hostility to the right of petitioning. With regard to the alarm which some gentlemen professed to feel under the present circumstances of the country, it was pretty obvious that there was no ground for alarm as to any change in that house from popular encroachment. No, indeed, there was nothing of democracy exhibited in its character to induce any such calculation. If there were any change to be apprehended from foreign influence, it certainly was not to be looked for from popular interposition. That interposition had unfortunately but too little weight in that assembly. It could of course but ill accord with the public feeling to see it diminished, to have it absolutely slighted, or even spurned at. It was surely a sufficient punishment for the people to decline complying with their request, without the aggravation of refusing even to

listen to that request; where, as in this case, they merely required of the house to re-consider its proceedings. This petition merely called upon the house to do that which, with regard to Wilkes, it had already done. The right honourable gentleman concluded with exhorting the house to consult its true dignity and duty by receiving the petition, and to guard against the discontents and just murmuring which must follow from its rejection.

Mr. Barham stated, that it was his wish to accompany the rejection of the petition with a resolution declaratory of the reasons which induced its rejection; and thus pointing out to the petitioners the propriety of avoiding any dictatorial strain, and the way in which they ought to proceed in their applications to that house.

Mr. Wilberforce said, that there was no person more disposed than himself to treat with extreme tenderness the right of petitioning. He should be very unwilling to reject any petition merely from an inadvertent expression which might appear disrespectful; but when he considered the entire language of this petition, he felt himself, under all the circumstances of the case, compelled to reject it. If they did not reject the present petition, he did not see how they could in future reject any petition on the ground of its being couched in disrespectful and offensive language. The shades of what was offensive in expression were infinitely varied; but it did appear to him that, in the present petition, the object of the petitioners was purposely stated in most offensive language. The petitioners might have come forward and stated every thing which they thought proper to state in language which would not have been offensive or insulting to the house. There was this difference between the Middlesex petition and the petition of Westminster, which had been received: The Middlesex petitioners stated broadly and directly that the house of commons acted contrary to the law; and in the manner of expressing it appeared as if the law was so clear and undeniable, that no one could have misunderstood it; but that in acting against the law they had acted against their own conviction. Now the petition from Westminster not go that length. It stated, that "in our opinion," and "we are convinced," and in qualified expressions of that nature, that the law had been violated; but it did not state it positively, as the Middlesex petition did. It was true that the Middlesex petition ended in the technical

manner with a prayer, which the Westminster petition did not; but he would consider much more the general spirit of the petition, and whether it was meant to be insulting or not, than he would the mere technical form. And yet the right honourable gentleman (Mr. Fitzgerald) who now so strenuously supported the present petition, thought, on the question of the Westminster petition, that it was a point extremely doubtful, and that the scale barely preponderated in favour of its reception. As this had been his opinion on that occasion, he did not see how he could now fairly charge his majesty's ministers with wishing to destroy the right of petitioning, when they had consented to receive the Westminster petition, which was couched in such language as to have made the right honourable gentleman himself doubt whether it ought to be received or not. He felt himself obliged to vote for the rejection of this petition; and he did so with the less reluctance, as there was nothing in it which might not at a future time be stated to the house in plain unobjectionable terms.

Mr. Ellison said, that if he really conceived that the house was held in such contempt by the country as it was often stated to be, he should feel ashamed to sit there; but he was convinced that there was no foundation for the statement. (*No, certainly not*, from the ministerial benches). To whom were the country to look for any important advantages? Was it to the honourable baronet who was in the Tower, or any of his partizans? It appeared to him that a party had sprung up in the country, which it was the duty of that house to crush. He objected to the petition, as being in many parts false. It was not in the execution of the Speaker's warrant that innocent blood had been spilt; but the loss of some lives proceeded altogether from the necessity of preserving the public peace, and the impossibility of the military bearing any longer the many indignities and attacks they had been exposed to. The mob on the late occasion were, in some respects, more dangerous than that which assembled in the time of Lord George Gordon. The mob of Lord George Gordon had not come, as the late mob had done, with pistols in their pockets, and did not, like them, fire upon the military. Under the recent circumstances the conduct of the military was most exemplary. He should vote for rejecting the petition, as being unfounded in truth.

Mr. Morris did not perceive any thing in the present petition which was so very offensive as that the house should refuse to receive it. The debate appeared to have taken a very different turn from what it had taken the preceding night. On the last night the objection seemed to be merely that the power of the commitment was denied; but on the present occasion the objection was generally that the language of the petition was offensive. He did not think that asserting that the house had acted contrary to law in a late instance, was denying that they had a right of committing. They might have that right on other occasions, from the necessity of the case, and yet it might happen that they had it not in the case of a libel, which was an offence that might be punished in the due course of law. The people might well doubt that they had such a right; and if it should turn out that they had it not, then it must be allowed that they had done an illegal act. It was said by one of his majesty's ministers, that the house must now make a stand, or that their table would be covered with similar petitions. This however was not his opinion; nor did he expect that many other counties would petition on this subject; whatever might be the fate of the petition for Middlesex. He thought the house would in no degree relieve itself from hearing petitions similar in substance by rejecting the present petition. On the contrary, the rejection of it would naturally produce another county meeting and another petition. This, however, should be no consideration, if the privileges of the house were seriously attacked; but if they were not seriously attacked, it would be worth considering whether any real advantage would be obtained by rejecting the petition.

Colonel Wood felt himself under the necessity of rejecting the petition on account of the disrespectful and offensive terms in which it was couched. He perfectly agreed with the honourable gentleman who spoke last in one respect, in thinking that whatever might be the fate of the present petition there was no probability of many similar petitions being presented from other counties. He was convinced that this petition was by no means what it professed to be, a petition from the freeholders of Middlesex in full county assembled. He was convinced that not one-third of the persons who attended that meeting were freeholders. He himself was a freeholder of Middlesex,

but staid away from the meeting for the same reasons that many other freeholders did, upon the certain conviction that they could not obtain a fair hearing, and that many hundreds of persons would come to that meeting from the metropolis who were not freeholders, but who were determined to drown by noise and alarm the expression of any sentiments but what they came to support. He was sure that the real freeholders of Middlesex would consider themselves disgraced by such a petition; and that if the county were to be polled, nine freeholders out of ten would vote against it. He therefore, in the name of the freeholders of Middlesex, protested against this petition, as not containing their sentiments.

Lord Archibald Hamilton did not think the language of the petition so disrespectful as to make it necessary for the house to reject it. He had himself stood up for the right of commitment, but he thought it perfectly fair and allowable for any petitioner to deny the right. The word 'protest' had been objected to as offensive to the dignity of that house; but he did not perceive any thing in that word more than a solemn denial of the right, the exercise of which they complained of. It appeared to him that there were other parts in the petition which were more offensive, yet of which no notice had been taken. He did not like to hear it asserted that all public men were corrupt, and that they were bought and sold. The Middlesex petition seemed to have introduced that doctrine rather unnecessarily upon the present occasion. The petitioners dwelt pointedly on the sale of seats in that house, and on the corrupt state of the representation. This topic, introduced, as he thought unnecessarily, appeared to him more disrespectful to the house, and conveying more offence than the use of the word protest, which had been so much dwelt on. Nevertheless, those parts of the petition which appeared to convey the greatest offence were passed over without any observation, while others of much less moment were urged as a ground for rejecting the petition. He did not approve of the language of the petition, but he could not bring himself to reject it.

Mr. Stephen had voted on the night before for an adjournment of this question, in order to give gentlemen an opportunity of comparing the different parts of the petition, and coming to a deliberate decision upon their tendency. By this delay they were enabled to judge whether

this petition was presented for the purpose of doing away what might be fairly considered as a grievance, or whether it was intended as a studied insult on the house—as an attempt to make it the instrument of its own dishonour, the record of its own reproach. With respect to the question, whether that house was bound to receive every petition, however couched, which came before it, there was but one opinion, with the sole exception of a right honourable gentleman opposite. There was no doubt the right of petitioning was vested in the people, but there was as little doubt that the right of rejecting such petition was vested in the house, provided it was conveyed in indecent or insulting terms. The people had an equal right to petition the king; but surely no one could contend that their address ought to be received, if it was not drawn up in the most respectful manner. The statute of Charles II. which gave the right to petition, declared also that that right ought to be properly regulated. With respect to the present petition, he was afraid the delay which had taken place had not been employed as it might in its mature consideration. He was led to this opinion from the assertion of an honourable member opposite, who said he did not think the petition denied the power of the house to commit, and that if he thought it did, he would vote for its rejection. Now, in neither part of this sentiment could he agree. If the people saw any objectionable power assumed by that house, or any obnoxious measure pass it, they had an undeniable right to petition against such act or such assumption, with this restriction only, that they did it in respectful terms. The present petition however did distinctly declare, that in committing the house had usurped a power "unknown to the law, and not warranted by the constitution." This was surely a denial of the power assumed by the house. But lest there should be any doubt, the petition went farther, and not only reprobated the principle, but protested against the practice. Their protest too had every form of a protest; and they actually declared that they presented it in order that it might be entered on the journals, as the letter of Sir Francis Burdett was not so entered, although the vote of the house which committed him was. Now that letter had been declared by the house a flagrant violation of its privileges; and if after such declarations, counter approbation of that letter presented to the house was not to be considered an

insult, it was hard to say how far they might be carried by their forbearance. Some gentlemen opposite had declared that they conceived themselves exonerated from all blame or responsibility on this subject, as it was the conduct of ministers, and ministers alone, which had excited those petitions. This was not true; all parties in the house had agreed as to the libellous doctrines of the letter which had caused the committal of Sir F. Burdett, and it was in consequence of that committal that the petitions had been presented. He warned public men how they now sought individual exoneration, or stood aloof in the moment of such an attack; it was indeed a regular systematic attack—the result of a system deeply considered, dangerously organized, and sought by every means to be widely diffused among the people; a system which, by affecting an hypocritical respect for the sovereign, went directly to undermine the house of commons. It was the traitorous attempts of the last fifteen years now skulking under a new shape, and assuming a most dangerous and deadly form. There was no country which could be said to be safe where the legislative power was attacked with impunity, and daringly branded in such base and profligate terms. At any time this would be most dangerous, but at the present time the peril was doubly hazardous; a time when we were engaged in a most momentous and protracted war, and necessarily obliged to incur the most aggravated burthens. From such attempts no side of the house was safe—no men in the country secure. They menaced not party, but parliament—not ministers, but the constitution—not any certain set of men, but all the inestimable blessings which time, and toil, and struggles, had secured to the country. The question now was, whether the house would lend itself to such attempts; whether they would become the servile ministers of their own dishonour? The petition had not only assailed their practice, but their very motives, and asserted the "suspicion and jealousy with which they viewed the imprisonment of Sir F. Burdett at a time when they expected so much from his efforts in the cause of reform." If they now submitted to such language, they would infallibly encourage the spirit to which he had before alluded. The experiment of conciliation had been tried and failed. They had been persuaded to receive the Westminster petition, on the ground that such apparent tolerance in that house

must tend to quiet the people, by shewing them that their interests and representations were attended to. What had been the consequence? Why the present petition, still more strongly worded, immediately followed. If the house now submitted, it would be termed not conciliating but pusillanimous. They were reproached with requiring an army to enforce their orders. Concession now would be only considered as an additional proof of their weakness—another argument of their timidity.

Mr. Ponsonby said, in explanation, that he could not take upon himself to judge in what degree the honourable gentleman enjoyed the faculty of hearing; but he could not think that gentleman possessed the faculty in perfection, if he attributed to him words which had never escaped him. He had never said or implied that that house was bound to receive any petition, however offensively worded. He had said that it was the practice of the house to receive petitions, though they might be thought to be somewhat objectionable in the use of certain expressions, and he now said, that those who imagined there was a studied offence in that or any other petition offered to their notice, were bound as men of sense and men of spirit to vote against the admission of such petitions.

Mr. Morris in explanation, observed, that there was nothing in the petition that warranted the house in believing that the petitioners denied their right to commit in cases of contempt. It certainly questioned their right to commit in cases of libel.

Mr. Byng said, that having spoken before upon the present question, he rose then merely to observe upon an expression which had fallen from an honourable gentleman who had arraigned the respectability of the meeting at Hackney. That gentleman was not present at that meeting; he (Mr. Byng) was; and he felt no hesitation in saying, that it was one of the most numerous and respectable meetings of freeholders he had ever witnessed. He added too, that nine tenths of that meeting did not think that house had the right of commitment in cases of libel. He joined with them in that opinion. (*Some murmurs.*) He repeated that such was his opinion; (*hear, hear!*) and that if the house had such a power, he thought, and so did his constituents, that they ought not to have it. The case of libel was not a case of necessity, and the

necessity ceasing, so should the exercise of the privilege cease also.

Colonel Wood denied that he had said that the meeting was not respectable. What he had said was, that the majority of the persons there assembled were not freeholders, (*hear!*) and he believed that if the honourable member (Mr. Byng) had no more votes than were then present [here the honourable gentleman was interrupted by a cry of spoke! spoke! when he sat down.]

Mr. Mellish, in a tone of voice scarcely audible in the gallery, stated, that he had attended the last meeting at Hackney, and that he had there stated, that as he looked upon them as a meeting legally convened by the sheriffs, he should obey their directions, by presenting their petition to that house; that at the same time he did not think he was bound to compromise his opinions as an independent member of parliament, or to concede them in an unqualified way to the opinions of others, however he might be disposed to respect them. (*Hear, hear!*) His honourable colleague had said that nine-tenths of that meeting were freeholders. He could assure him of his conviction at least, that the majority of that meeting were not freeholders. When he spoke of presenting their petition, they heard him with as much silence as then prevailed in the house, but the moment he spoke in favour of any opinion of his own, not exactly conformable to theirs, the tumult was so sudden and overbearing, that he told them, smiling, since they would not hear him it was useless to trouble them any farther. As, however, he had promised to present their petition, he should now support the motion that it should lie upon the table.

Mr. Stephen explained.

Admiral Harvey said, that he, as a freeholder of Middlesex, would have attended the meeting, but that he thought it an *ex parte* meeting, and convened for the purpose of censuring that conduct which he had approved and followed; and consistently with which he should now vote that the petition be rejected.—The house then divided—

For receiving the petition -	58
Against it - -	139
Majority	81

Sir John Newport begged the attention of the house to what, in the present case, concerned the expenditure of Ireland, and of Ireland alone. He wished to draw their attention to the incidents of that country, nineteen parts in twenty of which were jobs. There were several cases which he would enumerate: the first was that of Mr. John Croker, surveyor-general of Ireland, who had received 1000*l.* for extra official duties. On this subject he had two resolutions to propose. The first was,

"That it appeared that such sum of 1000*l* had been given for extra official services to Mr. J. Croker.

2d. That it appeared to the commissioners of inquiry in Ireland that it was an omission of official duty in the excise to recommend it."

The next case to which he should allude, was that of a gentleman who had been superannuated after being eight years in an office, the duties of which he never performed. This man was a privy-councillor, a man of rank, of fortune, and of middle age. On this subject he proposed a resolution—

"That it appeared to the house, that the right honourable William Forward, treasurer of the post-office, had been superannuated, and that it appeared that he had no fair claim to such superannuation."

Another case which he should mention, was of a grant of 5,700*l* to Sir George Shee, receiver-general, in consideration of his loss of emolument from the public money being paid into the bank of Ireland instead of remaining in his hands for a few months. This man also received for himself and clerks, 1800*l.* per annum. If it were an earlier period of the night, he would state that the facts contained in these resolutions were only part of a system of profusion practised by the Irish government. It would be endless for him to enumerate the abuses in this line. What would they think of compensation paid to a storekeeper to the amount of 6000*l.* per annum? These happened under the administration of a noble lord to whose gallantry in the field he was willing to bestow unqualified approbation. He entreated the house to direct their attention to this particular part of the empire, which, on account of its remoteness from the seat of government, must of course be peculiarly subject to abuses and irregularities. The honourable baronet concluded with moving his first resolution.

Mr. Foster would state in broad and strong terms that what the honourable baronet advanced respecting Mr. Croker was not founded in fact. Had he read the eighth report through he would have found that he was mistaken. The sum of 1000*l.* was not given to that gentleman for extra services, but as a composition for the claim he had on government to a much larger amount. [Here he read the memorial of Mr. Croker from the report in corroboration of this assertion.] It was a debt due to him, and which he would have recovered had he sued at law for it. This, he trusted, would be a sufficient answer to his first resolution. The subject of the second resolution had been discussed and decided already. With respect to the matter of the third resolution he was persuaded that the more it was enquired into, the less would it be found to warrant the conclusions drawn by the honourable baronet. The observations of the honourable gentleman might have applied to the former constitution of the Irish treasury. It had been formerly the custom to allow the receiver-general a quarter per cent. on the sums passed through his hands, which on the average amounted to upwards of 5,000*l.* a year, but latterly this enormous emolument was prohibited. It ceased after the death of Sir Henry Cavendish, and his successor who should have enjoyed it, was entitled to a moderate compensation. That was settled at 1,400*l.* a year. There never was an officer more fairly entitled to compensation than Sir George Shee. Would the honourable baronet say that 1000*l.* a year was a compensation for discharging the duties of an office, through which three millions and a half of the public money passed, and for the due execution of which security to the amount of 25,000*l.* was given? With respect to Sir George Shee, there was no favour asked or granted, nor was there any due. He lamented the honourable member had not given him an opportunity of answering the other strong cases to which he alluded. He was convinced they would be found equally unsupported. Without fear of contradiction he would assert, that the present government of Ireland was as strict and economical as even the honourable baronet could desire.

Mr. W. Smith shewed, from the report of the commissioners, that Mr. Croker was not entitled to the sum granted. Whatever mis-statement there might have been proceeded from that board. It did not appear from their

report, that any extra official duties were performed. If the statement of the right honourable member was correct, Mr. Croker was a most injured man; for instead of a paltry remuneration of 1000*l.* he was entitled to a moiety of penalties amounting to upwards of 40,000*l.*, for which he had commenced suits. In his opinion there was no censure too strong for the conduct of the commissioners who made the report before the house.

Mr. Croker explained the circumstances of his relative's appointment, and the beneficial regulations he had introduced into the office of collector of excise in Dublin. Mr. Croker's office was one of superintendance, and not of controul and check. To insure, however, the weekly collection of the revenue accruing from distilleries, he converted it into the latter. Whatever penalties he became entitled to he invariably remitted upon the offenders paying up their arrears. To this he believed there was but a single exception, and in that the sum accrued to Mr. Croker was not of that gentleman's seeking. Had the commissioners fairly stated the facts, the honourable baronet might have been spared the trouble of raising this question.

Sir John Newport, in explanation, professed the highest respect for Mr. Croker's services and character. The statement of the honourable member, as far as regarded his worthy relative, he considered quite satisfactory. He would, with the leave of the house, withdraw his first resolution.

Mr. W. Pole observed, that if the honourable baronet had read the whole of the report and documents annexed, he would have found all the main facts stated by his honourable friend next to him. The commissioners had been guilty of a misrepresention highly injurious to a most meritorious officer.

Mr. M. Fitzgerald bore honourable testimony to the conduct and services of Mr. Croker.

The Chancellor of the Exchequer admitted that Mr. Croker had very great cause of complaint against these commissioners.

Motion withdrawn.

On the second resolution, respecting the superannuation of the honourable Mr. Forward, late treasurer to the Irish post-office,

Mr. Wellesley Pole stated the facts of Mr. Forward's

retirement. The office he held was by patent, and was always considered a sinecure. When the office was rendered efficient, he was removed and remunerated as the holders of all other patent offices were on their being reformed. He would meet the question with a direct negative.

Sir J. Newport shewed, from a letter of Mr. Forward's to Mr. Elliot, that the office was not considered by that gentleman a sinecure office.

After some observations from Mr. H. Thornton and Mr. Ponsonby, the house divided

Ayes	- -	26
Noes	- -	83
	Majority	57 against the resolution.

HOUSE OF LORDS,

FRIDAY, MAY 4.

REVERSION BILL.

Earl Grosvenor observed, that several noble lords, whose opinions, in a discussion of the bill for preventing the grant of places in reversion, were very desirable, were absent from indisposition and from accidents. He therefore thought it better to move for the discharge of the order of the day, as he wished for a full attendance upon this discussion. The motion, after some conversation, was agreed to, and Thursday se'nnight was fixed for moving the second reading.

RELIEF OF THE POORER CLERGY.

Lord Holland rose, and alluded to the observations he had on a former occasion felt it his duty to make in the house respecting the measures now in contemplation for the relief of the poorer clergy of the established church. He had not as yet all the means of information which he desired, and which he felt it essential to possess on this important subject; but so far as he had been able to inform himself, he could not hesitate to say what was the bias of his opinion; which was, that it was unnecessary to call upon parliament for the relief which it was generally understood was to be proposed, since the church possessed within itself ample means of relieving the poorer

part of its members. He considered that the poorer clergy were absolutely defrauded of their just rights and interests in the provision given to the church by law; and that the higher and wealthier portion of the clergy received that which was originally destined for the support of the inferior and poorer. He wished to make this observation distinctly, and took that opportunity of giving notice of several motions he should propose to their lordships on Thursday next, for which day he should move that their lordships be summoned. The noble baron adverted to the origin of the tenths and first-fruits, which were an usurpation by the papal power, and at the reformation assumed by Henry VIII.: but, subsequently, in the reign of Queen Anne, given up for the relief of the poor clergy, and known by the name of Queen Anne's bounty. He should move for a full account of the distribution of that bounty, and of all those persons who received any part of what was intended for the poorer clergy. There were some other motions connected with a full disclosure of information on this subject mentioned by the noble lord, and which he stated his intention to make on the same occasion.

The Archbishop of Canterbury said the papers already produced would give the noble lord the most material part of the information which he wanted. His grace thought the house would not agree to the noble lord's motions unless very sufficient grounds were laid for the adoption of them. Thursday next was a day when it would be very inconvenient for the bishops to attend, as the most of them would be engaged on that day. We understood his grace to allude to the meeting of the sons of the clergy.

The Bishop of London made a few observations in a low tone of voice to the same effect.

Lord Holland had not foreseen the occurrence of the meeting alluded to, or he would have proposed some other day, as he wished to make his motion perfectly convenient to the right reverend prelates. He therefore should propose Friday next, if that were not inconvenient also.

It was then agreed that the noble baron's motions should be made on Friday next; and their lordships were ordered to be summoned.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MAY 4.

ASSESSED AND PROPERTY TAXES.

Mr. C. Dundas, in consequence of the Chancellor of the Exchequer having it in contemplation to bring forward some measure for the correction of certain abuses in the collection of the assessed taxes, for the redress of which grievances he had given notice of a motion, took that opportunity of stating, that it was not his intention to bring forward any motion upon the subject. At the same time, though not disposed to hurry the right honourable gentleman opposite, knowing the multiplicity of business he had to attend to, and the difficulty of this subject, he should be glad to know at what time it was likely his measure should be brought forward.

The Chancellor of the Exchequer replied, that the bill was in great forwardness, and would be produced in a short time. It would then be open to the honourable gentleman to recommend any provision which he might deem necessary.

Mr. Grenfell also put off, for the present, the motion of which he had given notice, respecting the hardships arising from the collection of the property tax, until he should see whether the provisions of the Chancellor of the Exchequer's bill would remedy the grievances of which he complained. When that should be brought forward, he should offer some clauses applicable to the case he alluded to, but at the same time should reserve to himself the privilege of making a distinct proprosition on the subject, if the measure in contemplation should not meet his views.

Mr. M. A. Taylor gave notice that he should, on Tuesday, the 22d day of May, make a motion respecting the delay and arrears of causes in the court of chancery and house of lords.

RETURN OF COMMITMENTS, &c.

Sir Samuel Romilly, pursuant to the notice which he had given, rose to move for a return of the number of persons who had been committed within a certain period to prison within England and Wales. His wish was to procure all the information that could be obtained upon this subject in a more distinct and consequently useful

shape, than could be derived from the returns upon the table of the house. In consequence of a motion which he had made last session upon this subject, he had reason to think that returns had been made to the office of the Secretary of State containing much information, but not all that it was desireable should be in the possession of the public. In the return on the table from the secretary of state's office, they had only a return of the number of commitments, of those who were acquitted, or discharged on bills not found, or discharged by proclamation. But the return did not contain that part of the information which would be most particularly desireable; a return of the offences for which the several prisoners were committed, or convicted, and of which they had been acquitted, and then discharged. It would be important for the house to be in possession of such information, in order to know how many were committed for murder, forgery, and other crimes, with respect to which no alteration of the law was in contemplation; and also how many for larcenies, &c. and the circumstances of aggravation. It would be observed, from the return on the table, that by much the largest class consisted of those committed for larcenies, being altogether 2,423 names. With respect to these, he thought it would be necessary to know how many had been committed for privately stealing from the person, in houses, or in shops, as well as what number were tried, what number acquitted, and what number discharged. Information of this description would be most satisfactory before any alteration should be made in the law, because every such alteration being an experiment, it must be desireable to ascertain as nearly as possible the grounds upon which the experiment rests. The information he alluded to would afford the best answer to arguments founded on presumptions which had been used on a late occasion. The motion he proposed to make was,

"That an humble address be presented to his majesty, that he would be graciously pleased to direct that there be laid before the house a return of the number of persons, male and female, who have been committed for trial at the different assizes, or great sessions, from the year 1805 to the year 1809 inclusive, distinguishing the charges upon which each was committed, the crimes for which indicted, convicted, or acquitted, and also distinguishing under the head of each crime the number of those committed, con-

victed, acquitted, discharged upon no bills being found, and discharged by proclamation, together with, under each head of offence, the number of those who were executed."

It was unnecessary for him to state the advantage that would be derived from such a return. He was aware of the difficulty of procuring a return such as he called for, and that when he made a similar motion last year, the secretary of state informed him that no such return existed in his office. He was indebted to the politeness and attention of the secretary of state for his having undertaken to call upon the clerks of assize for all the information upon the subject that they could supply; and some had been thus obtained, though not all that was necessary. They had the return of the commitments and the indictments, and he had no doubt that a return might be obtained from the clerks of assize, who were six in number in England and four in Wales, of the convictions and of the offences, whether laid in the indictment or otherwise. But his object was not alone to obtain this information because it was valuable, but with a view to a measure, the fate of which on a former night he deplored. If he thought the sense of the house was decidedly against the measure, he should not bring it forward again. But when he considered that it had been lost only by a majority of two, and that of those who voted against it, two at least seemed to be doubtful as to the bill, and voted against it only as connected with some other measures of which they did not approve; he should have no hesitation to submit it to the decision of the same house, that had disposed of it on its own merits; because, where there was doubt, the leaning should be to life. For his own part, so far as related to that bill, he felt himself in the situation of a criminal, not convicted of the crime with which he stood charged, but for some other act done or intended. If the forms of the house would allow it, he should bring in the same bill this session; at all events, it was his intention to bring it early in the next session. On a question of that description, totally unconnected with party, he had to lament that any gentleman should have thought it necessary to canvass for votes against it; and yet it was obvious, that all the gentlemen in office then in the house had voted against it. Of this he did not complain, though he must complain of the [illegible] at-

tendance in the house on that occasion. It was impossible that gentlemen could be indifferent, on a question which was to decide whether the lives of 800 fellow-creatures should be left liable to be sacrificed. He had heard that many gentlemen friendly to the measure would have attended if they had known that the bill was to come on. He had given notice of the day on which it was to be brought on, in rather a full attendance, and he did think it rather strange that the Highgate archway, or the Holloway water bills, should obtain a fuller attendance than this important measure. He took that opportunity of giving notice, that if the business fixed for Monday should go off, he should bring on the third reading of the remaining bill, and if not, at all events, on this day se'nnight. He also gave notice, that he should bring in the former bill early in the next session of parliament. He could not conceive, as had been stated, that the keeping of this subject open could have any influence upon those connected with the administration of justice. He should therefore move, &c.—On the motion being put.

Mr. Secretary Ryder did not mean to object to the motion of his honourable and learned friend, however he might differ as to the measure. He agreed that the information was important to be obtained, and he rose only to guard against any misconstruction of his views, if, after all the pains he could exert, he should fail in obtaining the desired information. If he was not mistaken, this was the same with the motion made by the learned gentleman last session, to which there was a return on the table. The fact was, that the information obtained had not, nor could not be procured by compulsion from the officers, but by an application to them, which they might comply with or not, as they pleased. Many had, no doubt, complied. For himself, he should only say, that he would do all in his power, but he would give no pledge that all the information desired would be obtained. He should not then enter into the question which had been disposed of the other night.

Sir T. Turton, in vindication of the house, stated, that the bill had been brought in on a day when the county sessions were held throughout England, a circumstance which was sufficient to account for the thin attendance on that day.

The Chancellor of the Exchequer, in answer to the ob-

servation of his honourable and learned friend, that votes had been canvassed for against the bill, observed, that if it had been treated as a party question, a much fuller attendance must have been obtained on either side of the house.

Sir Samuel Romilly stated, that the return on the table was one which had been many years before the house, and had not been obtained in consequence of his motion last session from the clerks of assize. He had no doubt that much valuable information upon this subject would be found in the Secretary of State's office.

The motion was then put and agreed to, and also a motion for a like return of commitments for trial at the quarter sessions with similar distinctions.

The addresses were ordered to be presented to his majesty by such members as were of the privy-council.

Sir S. Romilly then gave notice, that he should, on Monday next, make a motion on the subject of the transportation of convicts to New South Wales.

Mr. Sharpe gave notice of a motion relative to the 15th report of the commissioners of naval revision.

TRANSPORTS.

Mr. Huskisson, observing that the estimates for the transport service, though dated the 8th of January, had only that day been put into the hands of members, did not think it too much to ask his right honourable friend to put off the vote for that service for a few days from Monday, in order to give gentlemen an opportunity of considering the subject. When it was recollected that the sum to be voted for transports for the service of the present year amounted to three millions, it would be admitted that such an expenditure required the most serious consideration. He trusted, therefore, that his right honourable friend would not object to a trifling delay. Having stated thus much upon that subject, he should now move for certain returns, to which no objection, he understood, would be made. He therefore moved, "That there be laid before the house a return of the number and tonnage of transports in the public service, specifying the stations on which they were employed; and of the number of seamen employed in navigating them. Also a return or statement of the number of king's ships employed on that service."

The Chancellor of the Exchequer had no objection to the motion, but did not think that there was any occasion

for the delay called for by his honourable friend. He was sure his honourable friend, recollecting the grounds upon which a similar sum had been voted for the same service last year, could not be at any loss at this moment for the grounds upon which it was to be voted in the present year. The reason why the vote was brought forward in a separate shape this year was, that it was thought desirable not to cover, under a provision for 130,000 seamen, an actual force of 145,000. It was thought better therefore to take a vote for 130,000 seamen at first, and to take an early opportunity of ascertaining whether the remaining 15,000 were necessary. That was the reason why the estimate had been delayed. The returns of the number, tonnage, and men of the transports, together with the different stations, could be seen at a glance when the papers should be presented on Monday. He saw no reason, therefore, why the vote might not be taken on Monday, for which the extraordinaries of the navy were fixed. The extraordinaries of the army he proposed to bring forward on Wednesday. The period of the session was rather more advanced than usual for bringing forward the loan, and it was desirable to ascertain all the engagements of the year before the budget should be brought forward.

Mr. Tierney observed, there was a petition from the India company for an aid of two millions, under the consideration of a committee up-stairs, which committee could not make a report for four or five days.

Sir Charles Pole expressed his hope that the consideration of the transport estimate should be put off. The extraordinaries of the navy were to come on on Monday, and he was persuaded that a considerable reduction could be made in that estimate. It would be improvident to vote the 15,000 men before they should ascertain whether a saving could be made. There were various items in the navy estimates, upon which, as well on the score of humanity as economy, a great saving may be made. In the first place, a reduction might be made in the seamen employed as harbour-duty men, from whose employment little benefit was derived, though a great expense was incurred. It would be more humane to do away that altogether. It was cruel to employ men after 18 or 20 years service as harbour-duty men, or in case no such duty was to be done, as convicts in hulks. Another reduction might be made with respect to those men who

had not for 15 years, since 1795, been ashore. It would be for the house to determine whether, considering the state of France and of the world, so large an amount of seamen was necessary. At all events he thought the two votes should be separated, and some delay allowed before the house should be called upon to vote the estimate for the transports. In the mean time they could calmly and deliberately go into the consideration of the estimates.

The Chancellor of the Exchequer, as it was obvious that much discussion would take place on the navy estimates, did not think it unlikely that the other vote might be deferred. As Mondays and Fridays were generally occupied with other business, he felt it necessary to bring forward the army extraordinaries on Wednesday.

Mr. Wilberforce expressed some surprize that there was no provision in the estimate for the construction of a dock at Northfleet.

After a few words from Mr. Tierney and the Chancellor of the Exchequer, the motions were put and agreed to.

DISTURBANCES IN INDIA.

Mr. Creevey rose to make the motion of which he had given notice, relative to the disputes in India. He rose for the purpose of moving for any papers which might tend to point out the origin, and trace the progress of those unhappy events. The mutiny at Madras had been of the most serious description; originating, as it did, not with the low or the ignorant, but with officers high in rank, and respectably educated. It was well known, that our empire in India was maintained not by the numbers but the superiority of our troops, as well as by the high character which they had obtained. The native army was much more numerous—not less than 60 or 70,000 strong. In such a situation the consequences of a conflict between the British government and British officers might be most melancholy; indeed, in his opinion, it required almost a miracle to save the country, when it was remembered that emissaries were actually sent into the native camp, in order to seduce the troops from their allegiance to this country. In order to bring the question of criminality in the government or the military to an issue, he made the present motion. One statement appeared in favour of Sir G. Barlow, and another in favour of the army. He could not, uninformed as he was, now declare who was in the right; but he had no hesitation in deciding, that no conduct on the part

of Sir G. Barlow could justify the army in going the length they did. After his motion respecting the conduct of the government towards the military, he would move for certain documents relative to his interference in the courts of law. He had heard it stated, that government had interfered in many legal cases, and had actually dismissed or transferred to a distance jurors who held places, in consequence of their bringing in a verdict of acquittal in favour of some individuals obnoxious to power. The history of these transactions was required, and ought to be laid before the country. He wished also for all the documents relative to the dismissal of Mr. Petrie, who had held the second situation under Sir G. Barlow. He was particularly anxious for those documents, as he had heard that the court of directors was divided on the subject, and had resorted to a decision by lot. He heard also that some of the directors had protested against the dismissal of Mr. Petrie; and for copies of these protests he was also anxious. He concluded by moving for "Copies of all letters between the commander-in-chief and the governor and council of Madras, relative to the arrest of Lieutenant-Colonel Monroe, together with certain documents relative to the definite power of the commander-in-chief in cases of courts-martial."

Sir Henry Montgomery seconded the motion, and declared that there were practices common in the courts of law in India, which, if attempted here, would produce a revolution.

Mr. Dundas, wishing as he did, that the whole conduct of the Madras government was before the house, had occupied himself, since the first notice of the honourable gentleman with respect to the military disturbances, in preparing the voluminous mass of papers which had been moved for. What was the conduct of the honourable gentleman? Why, he came down to the house yesterday, and gave notice for to-day of a motion for papers totally unconnected with this part of Indian policy, and equally voluminous with the others, which he had taken such time and trouble to prepare. With respect to the circumstance which had given rise to the present motion, the discontents of the military, he was sorry to say, they were by no means unprecedented in that country. He hoped, however, the conduct of government, on the present occasion, would prevent the recurrence of

such an event in future. It had been said, that the rebellion originated in the tyranny of the government of Madras; the papers about to be laid upon the table would prove the contrary. The conduct of the military was indeed most surprizing. He did not, indeed, believe that any individual ever considered in the beginning how far he might be induced to go. In his opinion it was better for us not to possess a single acre of Hindostan, than to hold it at the will of the military. Such a tenure would not be creditable to the British name, or beneficial to the British nation. The rebellion in India had, however, one good effect; it shewed that the native troops were not hostile to our interests, as had been insidiously insinuated by some. The honourable gentleman here entered into a detail of the circumstances which had led to the appointment of Sir G. Barlow. He was a man of unshaken honour and integrity; he was above all the intrigues of Madras, and peculiarly fitted for the situation to which he had been appointed. It had been said that his opponents told one story and he another. His opponents had indeed been very busy; they had resorted to squibs, pamphlets, writing on the walls, and, in short, to every species of anonymous publication. The official documents would, however, soon place the matter beyond a doubt, and he was ready to move for, and produce every letter from the government of Madras to the court of directors, with their inclosures; convinced as he was that Sir George Barlow would come pure from the ordeal. There were some private letters which had come into the possession of government by the peculiar circumstances of the rebellion, and these alone he would withhold. These letters were written in the heat of the moment, never intended for the public eye, and would tend much to criminate the writers. He thought, under these circumstances, no person would wish for their production. (*Hear!*) With respect to the civil part of the question, he confessed he was ignorant of it, from the length of time which had intervened since he read the papers. Even from recollection, however, he was convinced much misconception and mis-statement had taken place, particularly with the case of the jurors. With respect to the removal of Mr. Petrie, there were many circumstances to be considered, and one of the three councillors was obliged to be removed, in order to make room for the commander-in-chief at the board.

Lord A. Hamilton did not think that the causes of the disturbances had been stated, nor did he think the statements which had been made at all satisfactory. Considering the conduct which we had uniformly used towards India, it was a miracle that the native troops did not take advantage of the rebellion to throw off the yoke. He wished to know how government got possession of the official document which they possessed. He had heard that the minute of Sir George Barlow did not come regularly through the court of directors. This circumstance, if true, was by no means favourable to him.

Sir John Anstruther did not think the transactions deserved, by any means, the epithets which had been bestowed on them. Than Sir G. Barlow, he could say, no man was more firm, more temperate, or of stronger judgment. It had been said, that the people of India were hostile to the government. This was not the fact. No people could be more attached to any government than the natives who lived under the East India company were to the British. They knew well that they owed to them all the blessings which they enjoyed. The fact also as to the jurors had been mistated. Not one of them had been punished for the verdict which they had given. As far as he could at present see into the transaction, he thought the court of directors had behaved most correctly. He, however, reserved his ultimate opinion till he had the whole transactions before him.

Sir T. Turton was surprized at the thin attendance on this momentous question. It was a proof of the insensibility towards the affairs of India, which country it was utterly impossible any thing could ultimately save. Much credit had been given to Sir George Barlow for his firmness; firmness was not, however, in his opinion, a quality for the possession of which a man was to be exclusively applauded. How that firmness had been exercised was the question whether it was for the advantage of the country, or exerted, as in the case of the present ministry, to insult, and irritate, and injure the people. (*Hear, hear!*)

Mr. Grant reprobated the declamation of the honourable baronet opposite, which might be of very pernicious consequences. As to the matter before the house, there were yet no documents, and he would wait for their perusal before he decided. He knew Sir G. Barlow once as

a public man, and confessed his conduct in the late transactions had raised him unspeakably in his esteem.

Mr. P. Moore said, it was not the intention of his honourable friend (Mr. Creevey), to have said one word on the subject which could have caused the smallest debate, had it not been for the observations of the right honourable gentleman. All he had advanced was merely to lay a ground for the production of the papers. That right honourable gentleman (Mr. Dundas) had complained of the long time which had intervened between the notice and bringing forward the motion: the consequence of which was, that many pamphlets and squibs in the newspapers had appeared, which tended to prejudice the public mind on the subject. He would not at that time enter at any length into the business, but would content himself with saying that when Sir G. Barlow went to Madras, he found an army the best disciplined the service had ever known, with officers whose loyalty had never even been suspected, and who had just before received the thanks of that house for their eminent services; and it remained hereafter to be investigated what were the causes, and who were the principal instruments of making so great a change in them.

Mr. S. Dundas said, he had been completely misunderstood in what he had advanced. He made no complaint of the length of time between the notice and bringing forward the motion; but that the honourable gentleman should yesterday have given notice of a motion for a mass of papers, which could not be produced without the greatest inconvenience.

Mr. P. Moore said the appointment of Sir G. Barlow was made between ministers and the East India company, in consequence of his resigning the government-general of Bengal.

Mr. Dundas denied *in toto* the statement of the honourable gentleman who spoke last, for Sir G. Barlow was displaced by his majesty from the government-general of Bengal in 1806, and was not sent to Madras till 1808.

Mr. Lushington said he lamented the unfortunate events which had taken place, but he could not avoid stating, in contradiction to what had fallen from his right honourable friends near him, that in his opinion the harshness and severity of Sir G. Barlow's conduct had been in a great measure the cause of what had happened. He feared

he had been wanting in that spirit of conciliation so necessary in a governor in such a country, and so particularly circumstanced. He therefore approved the resolution, and hoped at no distant period a system would be adopted which would unite the civil and military characters.

Mr. Creevey, in reply, said, the right honourable gentleman had complained that in consequence of the length of time between the notice and the motion, pamphlets and newspaper squibs had been published to prejudice the public mind. He confessed it was much owing to these pamphlets he took up this business at present; and as to pamphlets, he understood that the government of Madras had a pamphleteer in this country, a Mr. Buch—n, (who was said to be a relation of the right honourable gentleman) at the expense of 4000*l.* a year, to write in his (the governor's) favour. He agreed to withdraw that part of his motion which related to the civil department; after which, the motion was read and agreed to.

THE DUKE OF BRUNSWICK.

The Chancellor of the Exchequer moved, that the house should resolve itself into a committee of the whole house, on his majesty's message, relative to a provision for the Duke of Brunswick, which was accordingly done (Mr. Lushington in the chair). The right honourable gentleman then said it would not be necessary for him to trouble the house with many observations. Since the commencement of the French revolution, the house had uniformly acceded to grants of provision for those who had sacrificed their interests, on the continent, by espousing the cause which this country had embraced in the contest. In addition to this, he believed that the near connection between the illustrious individual in question, and the sovereign of this country, was to be considered as the principal cause why such extreme severity had been exercised against him. When, in addition to this, it was recollected, that the Duke of Brunswick had given such a splendid instance of heroism in the diversion he had made in favour of Austria, and afterwards in fighting his way from the borders of Bohemia to the banks of the Elbe, with the brave band who accompanied him, he thought no one would object to the motion he should submit to the consideration of the house; the object of which

was to settle on the Duke of Brunswick, the sum of 7000*l.* a year out of the civil list, over and about the pay as colonel of the regiment he brought over with him, which would be about 15 00*l.* a year.

Lord Milton did not rise to object to the motion, but when he considered the immense pressure of taxes under which the people of this country at present laboured, to which cause he really believed the irritation and discontent that now prevailed was more to be attributed than to any other that had been mentioned, the house ought to be extremely cautious how they consented to add to such burdens. There were other sources out of which such grants might issue, without burdening the people. The droits of admiralty amounted to a very large sum, which was entirely at the disposal of his majesty, and he thought it the duty of ministers to consider and to answer to the house why this provision, and others of a similar nature, should not be provided out of that fund.

Mr. H. Martin was exactly of the same opinion with the noble lord who spoke last, and though he did not mean to oppose the motion, he thought the provision should be made from the droits of admiralty, and not from the pockets of the people.

Captain Parker expressed himself in favour of the motion. It would, he said, be a dreadful thing to see a prince begging in the streets, and much more repugnant to the feelings of the people of this country, than the payment of the sum required.

Mr. I. H. Brown thought that in the present high commercial prosperity of this country, the house ought not to hesitate at granting the sum required by the motion. When it was considered how nearly allied the illustrious personage in question was to his majesty, and that he had a large family to support as well as himself, he hoped there would be no objection to the motion, which had his hearty concurrence and support.

Sir J. Newport said, that neither the noble lord, nor his honourable friend who followed him, had made the smallest objection to the grant, but only to the fund from which it was to be drawn. The honourable gentleman who had just sat down had stated that the Duke of Brunswick had a large family to support. If so, he supposed the piety of the honourable gentleman must be much offended, as he (Sir J. Newport) had been informed the

Duke of Brunswick was not married. If the provision now asked was taken out of the droits of admiralty, it would not be a burden on the people, and he thought ministers ought at least to give an answer why it was not taken from that fund, rather than from the civil list.

The Chancellor of the Exchequer said, he was in hopes the right honourable baronet would have profited by the lesson he received last night, and have inquired into the subject before he ventured on rash assertions. He said to his honourable friend behind him, that his piety must be offended at the Duke of Brunswick's having a family, as he understood the noble Duke was not married. It was true that illustrious personage had no wife, but that arose from his having had the misfortune of losing her; but he was left with two children to support, which was certainly a very heavy charge; and he was shocked to think how much his character might have been injured by such kind of insinuations, if not explained.

The motion was then read and agreed to,

Sir S. Romilly's bill to prevent privately stealing was, after some objections from Mr. Herbert, read the third time, passed, and ordered to the lords.

The remaining orders of the day were disposed of, and the house adjourned.

END OF VOL. II.—1810.

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